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AUTHOR Martz, Carlton

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ABSTRACT

This document includes the following issues of this journal: volume 18, number 3, Summer 2002; volume 18, number 4, Fall 2002; volume 19, number 2, Spring 2003; and volume 19, number 3, Summer 2003. The summer 2002 issue of "The Bill of Rights in Action" views problems related to victims of war. It focuses on the internment of Japanese Americans in camps during World War II, the court case that upheld it as constitutional, and subsequent attempts to compensate those held in the camps; examines the massacre of Chinese by Japanese troops just before World War II, and at the war crimes trial following the war; and examines how victims of World War II are attempting to get compensation through lawsuits. Each article includes questions for discussion and writing, a central activity, and a list of book for further reading. The Fall 2002 issue examines issues related to the environment; shows that humans have been experiencing environmental problems since the agricultural revolution; explores a current environmental issue, global warming; and discusses the Native American southwest and the environmental problems of the Anasazi people. Each article includes discussion questions and other activities for the classroom and addresses content standards. The spring 2003 issue looks at some historically important ideas and some issues surrounding intellectual property; examines Marxist ideas and theories of Communism; discusses social Darwinism and U.S. laissez-faire capitalism by exploring the ideas of social Darwinism espoused by Herbert Spence, ideas which significantly impacted the late 19th century U.S.; and discusses copying music and movies from the Internet and discusses current issues of intellectual property. Each article includes classroom activities. The summer 2003 issue examines three controversial issues that

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resonate today. The articles discuss competing visions put forward by three African-American leaders at the turn of the 20th century; explores the Armenian genocide that took place during World War I, which generated charges and counter charges among the Turkish and Armenian peoples.; and looks at the current controversial change in U.S. foreign policy. Each article includes classroom activities for discussion and writing and lists selections for further reading. (BT)

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The Bill of Rights in Action, 2002-2003

Carlton Martz

Bill of Rights in Action
v18-19 n3-4; n2-3 Sum-Fall 2002; Spr-Sum 2003

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The
BILL OF RIGHTS IN ACTION

Wartime and the Bill of Rights: The Korematsu Case

During World War II, the U.S. government ordered 120,000 persons of Japanese ancestry into prison camps. Fred Korematsu, an American citizen of Japanese descent, refused to go, and his case went before the Supreme Court.

In the 1880s, Japanese immigrants began coming to the West Coast of the United States to work. They called themselves the Issei, the first Japanese immigrant generation.

Two boys huddle with their family waiting for a train to take them to a relocation center. (National Archives)

The Issei met a lot of official racial discrimination. Federal law prohibited the Issei from ever becoming naturalized U.S. citizens. California, where most of the Issei lived, made it illegal for them to own agricultural land.

U S HISTORY

The Issei's children who were born in the United States automatically became American citizens. Called Nisei, the second generation, they quickly became Americanized. They attended public schools, spoke English, attended college, worked in many occupations, and voted in elections. The Nisei thought of themselves as Americans, not Japanese.

In 1940, 127,000 persons of Japanese ancestry lived in the United States, mostly in California. Sixty-three percent of them were Nisei, American-born citizens. For most of the Issei and Nisei, life was good. Then Japan attacked Pearl Harbor.

Executive Order 9066

In the months following the attack on Pearl Harbor, pressure mounted from politicians on the West Coast. They demanded that "something be done" about the Issei and Nisei living there. Rumors spread about Japanese Americans preparing to aid a Japanese invasion of the United States. But when the Army and FBI investigated these rumors, they found them to be false.

General John L. DeWitt was responsible for the defense of the West Coast. Without any real evidence, he believed that people of Japanese ancestry, citizens and non-citizens alike, could not be trusted. He said that the lack of any sabotage on the West Coast only proved that they were waiting for the Japanese invasion to begin.

(Continued on next page)

Victims of War

This *Bill of Rights in Action* looks at issues related to victims of war. The first article examines the internment of Japanese Americans in camps during World War II, the court case that upheld it as constitutional, and subsequent attempts to compensate those held in the camps. The second article looks at the "Rape of Nanking," the massacre of Chinese by Japanese troops just before World War II, and at the war crimes trial following the war. The last article examines how victims of World War II are attempting to get compensation through lawsuits.

U.S. History: Wartime and the Bill of Rights: The Korematsu Case

World History: The "Rape of Nanking"

U.S. Government: Compensating the Victims of War

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Working with others in the War Department, General DeWitt developed a plan to remove all the Issei and Nisei from their homes in the Western states and lock them in prison camps. The Justice Department, FBI, and Army intelligence all concluded that such a drastic action was not necessary. President Franklin D. Roosevelt, however, accepted General DeWitt's recommendation.

On February 19, 1942, President Roosevelt issued Executive Order 9066. This gave General DeWitt authority to order the mass evacuation of Issei and Nisei from the West Coast and other military areas. This order affected about 120,000 citizens and non-citizens of Japanese origin. The stated purpose of removing this entire ethnic group was for "protection against espionage and against sabotage." Congress made it a crime to refuse to leave a military area when ordered to do so.

Posted on the wall of a San Francisco air raid shelter in 1942, this notice ordered people of Japanese ancestry to report for evacuation within one week. (National Archives)

Starting on March 2, 1942, General DeWitt issued orders requiring all persons of Japanese ancestry in eight Western states to report to temporary assembly centers. When they reported, the government transported them to permanent "relocation centers," the guarded prison camps where they would remain for up to four years.

When ordered to evacuate, Issei and Nisei families usually had only a few days to sell their homes, businesses, vehicles, and other property. Even so, almost all cooperated with General DeWitt's orders, believing that by doing so they proved their loyalty.

Although more than 60 percent of those ordered to evacuate were U.S. citizens, none had a hearing or trial before the government locked them up in relocation camps. Once in the camps, however, the government asked them to sign a loyalty oath to the United States. Most did, but about 4 percent refused, protesting how they had been treated. The government classified these individuals as "disloyal."

The Korematsu Case

Born of Issei immigrant parents in Oakland, California, Fred Korematsu was a Nisei and an American citizen. He was 22-years-old in 1942 when General DeWitt ordered everyone of Japanese ancestry in the Western United States to report to assembly centers. But Korematsu was in love with an Italian-American girl and decided he did not want to leave his home near Oakland.

After refusing to report for internment, Korematsu changed his name and even underwent eyelid surgery to make him look less Japanese. On May 30, 1942, however, government authorities finally tracked him down. They arrested him for remaining in a military area barred to anyone of Japanese ancestry.

After his conviction in a federal court, the judge sentenced Korematsu to five years probation. The military immediately took him into custody, however, and sent him to the relocation camp at Topaz, Utah. The American Civil Liberties Union (ACLU) persuaded Korematsu to appeal his case.

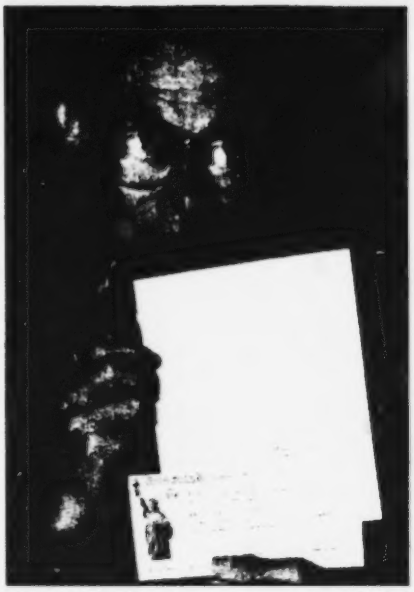
When Korematsu's case reached the Supreme Court in October 1944, the attorneys for the government pointed to the constitutional war powers of Congress and the president. The government argued that the military must take all steps necessary to wage war successfully. In the view of President Roosevelt, the War Department, and General DeWitt, the internment of all Japanese Issei and Nisei was a "military necessity."

The government attorneys further argued that there was not enough time to hold hearings or trials to determine who was and was not loyal. The attorneys presented a report from General DeWitt, which repeated

many of the unproved rumors about Issei and Nisei disloyalty. The government also cited those in the camps which had refused to sign the loyalty oath.

Attorneys for the American Civil Liberties Union and the Japanese American Citizens League represented Korematsu. They argued that there was no military necessity for removing and imprisoning all persons of Japanese ancestry without a hearing or trial.

Korematsu's attorneys showed that during the nearly four months between Pearl Harbor and General DeWitt's first evacuation order, not one person of Japanese descent had been convicted of espionage or sabotage. The attorneys stated that instead of uprooting 120,000 men, women, and children from their homes, the government simply could have barred them from specific military and industrial sites.



Fred Korematsu holds a letter of apology and check for $20,000 from the U.S. government, which each surviving prisoner of the relocation camps received. In 1998, President Bill Clinton awarded him the Presidential Medal of Freedom, the nation's highest civilian honor. (Shirley Nakao)

If military necessity was not the reason for the evacuations and imprisonments, as Korematsu's lawyers argued, what was? They charged that General DeWitt accepted the prejudiced views of those hostile to the Issei and Nisei and was himself a racist. To prove their point, they quoted a statement DeWitt made before a congressional committee in 1943:

> A Jap's a Jap. It makes no difference whether he is an American citizen or not. I don't want any of them . . . . They are a dangerous element, whether loyal or not . . . .

On December 18, 1944, the Supreme Court decided, 6–3, to uphold the conviction of Korematsu. The majority ruled only on his refusal to leave a prohibited military area and did not consider the constitutionality of the relocation camps. Justice Hugo Black, writing for the majority, fully accepted the views of General DeWitt. Justice Black also said that Korematsu had not been forced from his home because of his race, but because of "the military urgency of the situation."

Three of the justices vigorously dissented from the majority opinion. Justice Robert H. Jackson denied that the government could simply declare all members of a racial group guilty and imprison them. He wrote that "guilt is personal and not inheritable." Justice Owen J. Roberts condemned the imprisonment of a citizen "without evidence or inquiry concerning his loyalty." Justice Frank Murphy called the majority opinion "this legalization of racism." [*Korematsu v. United States*, 323 U.S. 214 (1944)]

Release and Compensation

When the Supreme Court made its Korematsu decision, the justices also decided another case that resulted in finally closing down the prison camps. The Supreme Court ruled that President Roosevelt's executive order and the enforcement law passed by Congress only authorized the removal of the Issei and Nisei from military areas, not their imprisonment. The court never squarely decided whether the government could have legally issued orders and passed laws to establish a prison camp system. [*Ex parte Endo*, 323 U.S. 283 (1944)]

When the Issei and Nisei left the camps, the government granted them $25 per person or $50 per family and train fare home. In 1948, Congress partially compensated them for the loss of their businesses or property.

In 1980, President Carter appointed a special commission to investigate the entire internment affair. The commission concluded that the decisions to remove those of Japanese ancestry to prison camps occurred because of "race prejudice, war hysteria, and a failure of political leadership." In 1988, Congress apologized and granted personal compensation of $20,000 to each surviving prisoner.

Korematsu had one more day in court. Researchers discovered that the government had withheld important facts at his trial. In 1984, a federal judge agreed that Korematsu probably did not get a fair trial and set aside his conviction.

A Proper Balance

During wartime, the Bill of Rights has often become less important to Americans than the need for national security, as Korematsu found out. The problem in wartime is to achieve what Supreme Court Chief

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Justice William Rehnquist terms "a proper balance" between civil liberties and protection.

A few months after September 11, Fred Korematsu, then 82, spoke to students at Stanford University. He said that he never lost faith in the American system of justice. "You have to fight for your rights," he declared. "Don't be afraid."

For Discussion and Writing

1. Do you think the internment of Fred Korematsu was justified? If he had not been a U.S. citizen, would that have made any difference? Explain.
2. There is an ancient saying in the law: "In time of war the laws are silent." What do you think this means? Do you agree with it? Why?

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A C T I V I T Y

A Proper Balance

After September 11, 2001, President George W. Bush and Attorney General John Ashcroft took steps to strengthen the ability of law enforcement to investigate terrorist activity in the United States. Congress also passed the "Patriot Act," which gives additional authority to law enforcement. Some of these new measures affect only non-citizens, but others apply to American citizens as well.

Below is a list of measures that are currently in effect. Do they achieve "a proper balance" between civil liberties and protection? Read each one and then write a paragraph, explaining why you agree or disagree with it. After doing this, present your views on the four measures in a class discussion.

1. In terrorism investigations, law enforcement authorities may get a court order to access citizen or non-citizen college records if investigators believe the records are "relevant." (This provision of the Patriot Act changes the National Education Statistics Act, which had required all government-collected information on specific students to be held in the strictest confidence.)
2. Law enforcement officers with a search warrant in any criminal case may secretly search a person's home or other property. (The Patriot Act changes the criminal justice procedure that required police officers with a search warrant to serve it to a person before searching his or her home or other property.)
3. The U.S. attorney general acting without a court order may authorize law-enforcement officers to listen in on citizen or non-citizen client-lawyer meetings if the attorney general believes the lawyer might carry information to terrorists. (Communications between a lawyer and client are normally private. This new U.S. Justice Department rule changes the previous procedure that required a court order to listen in on a lawyer-client meeting. The judge could issue the order only after a showing of evidence that there was probable cause of illegality.)
4. The U.S. attorney general acting without court approval may authorize the indefinite detention of non-citizens who have not been convicted of any crime if the attorney general has reason to believe their release "endangers the national security of the United States." (This part of the Patriot Act allows the government to indefinitely imprison non-citizens facing deportation for minor visa and other immigration violations. Previously these violations would not have resulted in detention.)

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The "Rape of Nanking"

At the beginning of World War II, Japanese soldiers committed many atrocities against POWs and civilians in Nanking, China. After the war, a war crimes trial focused on who was responsible for these acts.

For much of human history, the idea of "war crimes" did not exist. Victorious armies often slaughtered defeated enemy soldiers and civilians as well. About a hundred years ago, however, most major nations in the world began to agree on certain "rules of war."

In 1899 and 1907, at a city called The Hague in the Netherlands, the world powers agreed to prohibit the killing or mistreatment of prisoners of war and civilians. In effect, these Hague Conventions made it illegal under international law for soldiers and their commanding officers to carry out acts that came to be called "war crimes."

Japanese soldiers bayonet to death Chinese prisoners of war after capturing Nanking in 1937. (National Archives)

Japan was one of the nations that signed and ratified the Hague Conventions. Japan was fast becoming a modern and industrialized country with a military force patterned after those of Europe. Following the example of European colonial powers, Japan went to war against China in 1894 to gain control of some Chinese trading ports. In 1905, Japan defeated Russia in a war over possession of ports in the Chinese territory of Manchuria. It was the first Asian nation to defeat a European power.

WORLD HISTORY

By the early 1930s, Japanese military and political leaders believed that it was Japan's destiny to acquire China. They thought that Japan's economic survival depended on control of Chinese agricultural lands and other resources.

Meanwhile in China, revolutionaries had overthrown the last emperor and were trying to unify the country under the leadership of Chiang Kai-shek. The Japanese viewed these events as a threat to their plans for dominating China as a colony. In response, Japan seized all of Manchuria in 1931.

In 1937, two years before Hitler started World War II in Europe, and four years before Japan attacked Pearl Harbor, the Japanese launched another invasion of Chinese territory. This time, they occupied the Chinese capital city, Peking (now spelled Beijing). In addition, they sent a major force to attack Shanghai, China's largest city (located near the mouth of the Yangtze River).

Outside Shanghai, the Japanese, under the command of General Matsui Iwane met heavy resistance from Chiang Kai-shek's army. The battle raged on for several months, killing thousands on both sides. Finally, in early November 1937, Chiang ordered his army to retreat 250 miles inland along the Yangtze River to Nanking (now spelled Nanjing), the new Chinese capital. General Matsui's troops pursued the Chinese, who soon began to flee in panic.

Although Matsui issued orders forbidding mistreatment of the Chinese people, Japanese soldiers felt vengeful. They had endured fierce fighting in the battle for Shanghai. Japanese troops executed many Chinese soldiers who had surrendered. They also killed draft-age men, whom they suspected of being enemy soldiers disguised as civilians. Because the Japanese military high command in Tokyo had failed

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to establish an adequate supply system for their troops, soldiers began stealing food from the countryside. This led to further abuses of Chinese civilians.

The Fall of Nanking

As Japanese troops moved closer to Nanking, Chiang Kai-shek, Chinese government officials, and many civilians left the city. Chiang, however, ordered his generals and about 100,000 soldiers to remain and defend the Chinese capital.

In early December 1937, Japanese air strikes and artillery bombarded Nanking. In battles outside the city, Chinese troops proved no match for the Japanese.

The Japanese demanded that if the Chinese did not surrender Nanking, "all the horrors of war will be let loose." Chiang Kai-shek refused to permit the surrender of the capital, but finally ordered the defenders to evacuate. Panic gripped the city. Chinese soldiers and civilians desperately tried to flee Nanking before the Japanese arrived.

Japanese soldiers beat people, robbed them at gunpoint, and murdered them almost randomly.

When the Japanese surrounded Nanking on December 12, they trapped tens of thousands of Chinese soldiers and about 200,000 civilians in the city. Although most foreigners had fled Nanking, a group of about 25 American and European businessmen, doctors, nurses, college professors, and Christian missionaries remained. In the weeks leading up to the fall of Nanking, they formed a committee to organize a two square mile "International Safety Zone" within the city.

The purpose of the Safety Zone was to shelter and protect the Chinese civilians still living in Nanking. The Safety Zone Committee elected an unlikely leader—John Rabe. He was a German businessman who also headed the Nazi Party in Nanking. Even so, Rabe worked tirelessly and put his life in danger to shelter and save the lives of many Chinese.

When Japanese troops finally marched into Nanking on December 13, 1937, thousands of civilians crowded into the Safety Zone. The Safety Zone Committee decided to also admit stranded Chinese soldiers. The Japanese never fully agreed to honor the Safety Zone, but allowed the committee of foreigners to feed and house the people seeking refuge there.

The Execution of POWs

Thousands of Chinese soldiers had surrendered before the Japanese entered Nanking. Once in the city, Japanese troops rounded up any Chinese soldiers they found in house-to-house searches and in the Safety Zone.

Since defeated Chinese soldiers often exchanged their military uniforms for civilian clothes, the Japanese also arrested many draft-age males not in uniform. Undoubtedly, this group included many civilians—policemen, firemen, city employees, hospital workers, servants, and others.

The Japanese faced the problem of what to do with these POWs (prisoners of war). A feeling of vengeance against the Chinese ran strong among Japanese troops. The Japanese had difficulty feeding their own soldiers, let alone tens of thousands of Chinese POWs. The Japanese also saw the POWs as a security risk. They didn't have a camp to hold them. They thought the POWs threatened the safety of the Japanese soldiers as well as a planned victory parade in Nanking led by General Matsui.

The Japanese army had no clear POW policy. Division commanders in Nanking took matters into their own hands and ordered the execution of the POWs under their control. The Japanese shot some by firing squad and bayoneted others to death. In some cases, the Japanese lined up POWs in groups from 100–200 on the banks of the Yangtze and machine-gunned them. Some Japanese officers used their swords to behead POWs.

About 40,000 Chinese POWs and civilian draft-age men probably perished within a week or so. The Japanese had committed the first major war crimes of World War II. But the worst was yet to come.

"Cases of Disorder"

Atrocities (brutal acts) against the people of Nanking began as soon as Japanese troops entered the city. Unlike the POW executions ordered by Japanese army division commanders, most atrocities against Nanking's civilians were criminal acts done by undisciplined soldiers.

Japanese soldiers beat people, robbed them at gunpoint, and murdered them almost randomly. The soldiers stabbed people with bayonets, mutilated them with knives, and even ran over them with tanks. The soldiers vandalized, looted, and burned public buildings and private homes. They even destroyed animals for no reason.

For more than a month, Japanese soldiers roamed the city hunting for women to rape. The soldiers raped women and girls on the street, in stores, and in homes before horrified family members. The victims ranged in age from 10 to over 60. Even pregnant women were sexually assaulted. Gang rapes and kidnappings for the purpose of rape occurred. Raped women were sometimes mutilated or killed. The rapists killed children and even infants simply because they got in the way. Japanese soldiers frequently invaded the International Safety Zone in search of women. On several occasions, John Rabe, the leader of the Safety Zone Committee, stopped sexual assaults by displaying his Nazi swastika armband. The soldiers did not want to get into trouble with a country that they knew was a friend of Japan.

During the weeks of terror in Nanking, the Safety Zone Committee sent letters and eyewitness reports of the atrocities to Japanese diplomats, hoping they could stop the rampaging soldiers. Called "Cases of Disorder," these reports detailed what was happening to the people of Nanking.

The Safety Zone Committee recorded this account of a case that took place on January 15, 1938:

> Many Japanese soldiers arrived [at a Chinese temple], round[ed] up all the young women, chose 10, and raped them in a room at the temple. Later the same day a very drunken Japanese soldier came, went into one room demanding wine and women. Wine was given, but no girls. Enraged, he started to shoot wildly, killing two young boys, then left . . . .

Who Was Responsible?

General Matsui was the overall commander of Japanese military operations in Central China. Headquartered in Shanghai, he did not personally witness the terrible events that unfolded in Nanking. A few days after Japanese forces occupied the Chinese capital, however, Matsui entered the city to lead a victory parade. Learning of the atrocities that Japanese

General Matsui Iwane (second from left) being brought into the courtroom to appear before the war crimes tribunal. (National Archives)

soldiers were committing, he ordered that, "Anyone who misconducts himself must be severely punished."

After General Matsui returned to Shanghai, the atrocities against the people continued in Nanking. Army division commanders did little to stop them.

In Shanghai, General Matsui issued new orders, stating that the "honor of the Japanese Army" required punishment for the illegal acts of soldiers. Again, the Japanese commanders in Nanking were unwilling or unable to control their troops. Only after Matsui returned to Nanking in early February 1938, six weeks after the fall of the city, did order and discipline improve among the occupying troops.

Even today, great controversy arises over the number of victims in the "Rape of Nanking." Official Chinese figures put the number of fatalities at 300,000. Some in Japan deny the massacre took place. But today Japanese textbooks, which for years did not mention Nanking, estimate that 200,000 were killed. The latest research indicates that Japanese troops probably killed at least 50,000 to 100,000 POWs and civilian men, women, and children. Many thousands more were rape victims and others who were injured but survived.

Who, then, was responsible for these atrocities?

As they did at Nuremberg, Germany, the victorious Allies conducted war crimes trials in several Asian nations after the war. At Nanking, a war crimes tribunal convicted and hanged three Japanese army lieutenants for beheading hundreds of Chinese POWs. The

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Nanking tribunal also tried and executed one Japanese general who commanded troops in Nanking.

In Tokyo, more than two dozen Japanese political and military leaders also faced a war crimes tribunal. General Matsui was indicted for "deliberately and recklessly" ignoring his legal duty "to take adequate steps to secure the observance and prevent breaches" of the laws of war (the Hague Conventions). In his defense, General Matsui said that he never ordered the POW executions. He also argued that he had directed his army division commanders to discipline their troops for criminal acts, but was not responsible when they failed to do this.

The majority of the judges at the Tokyo tribunal ruled that General Matsui was ultimately responsible for the "orgy of crime" because, "He did nothing, or nothing effective to abate these horrors."

A dissenting judge, Radhabinod Pal from India, disagreed with the majority. He concluded that the commander-in-chief must rely on his subordinate officers to enforce soldier discipline. "The name of Justice," Pal wrote in his dissent, "should not be allowed to be invoked only for . . . vindictive retaliation." American military authorities hanged General Matsui on December 27, 1948.

For Discussion and Writing

1. Do you agree or disagree that there should be international laws to punish persons for committing "war crimes"? Why?
2. Who do you think was responsible for the Nanking war crimes? Why?
3. Do you agree or disagree with the conviction and execution of General Matsui? Why?

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A C T I V T Y

Crimes of War

What acts during a war should be punishable as crimes of war?

1. Form five small groups. Each group should be responsible for one of the following categories:

   A. Prisoners of war

   B. Civilian men, women, and children

   C. Public buildings

   D. Private homes

   E. Captured terrorist suspects

2. Each group should develop a list of specific acts against its category that should be considered punishable crimes of war.
3. Each group should post its acts and explain why they should be included as war crimes. Members of the other groups may ask questions or argue that certain acts should not be war crimes.
4. The class may vote to add or delete particular acts in order to end up with a comprehensive list of crimes of war.

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Compensating the Victims of War

World War II war victims have sued banks, companies, and governments to compensate them for lost money, forced labor, unpaid insurance benefits, stolen property, and human rights violations. Some lawsuits have resulted in multimillion dollar settlements.

When Hitler took power in Germany in 1933, the persecution of Jews and other minorities began. The Nazis confiscated their property and valuables, forced them to work as slaves, and finally murdered millions in the death camps.

To protect their financial assets, those persecuted were sometimes able to put money into foreign bank accounts, especially in neutral Switzerland. Some also purchased life insurance policies from German and other European companies. In the chaos of the Holocaust, however, records often disappeared, and stolen property passed into the hands of others.

The trials at Nuremberg, Tokyo, and elsewhere after World War II focused primarily on punishing top military and political leaders for war crimes and murderous crimes against humanity. Most of these trials did not prosecute banks, companies, and governments that benefited from the theft, economic losses, and other abuses suffered by war victims.

U.S. GOVERNMENT

In 1953, the new democratic government of West Germany agreed to pay billions of dollars to Holocaust survivors, Jewish communities in Europe, and the Jewish state of Israel. West Germany did this to try to help compensate the Jewish people for the suffering and economic losses caused by Hitler's government.

Over the next 40 years, Jewish survivors and the heirs of those killed began to make additional claims against private European banks and companies. Many suspected them of holding money and benefits belonging to Holocaust victims or of having taken advantage of Nazi forced labor during the war.

Surprisingly, most of the Holocaust economic claims ended up in American courts in class-action lawsuits (which involve large groups). Jewish survivors and heirs (the plaintiffs) sued

Forced laborers from a concentration camp located in Austria haul cartloads of earth. (National Archives, courtesy of USHMM Photo Archives)

European banks and companies (the defendants) for various kinds of economic compensation.

The suits were filed in the United States under the authority of the Alien Tort Claims Act of 1798. Passed originally to combat piracy, this 1798 law permits foreigners to sue other foreigners for wrongful acts (torts) that violate international law. Other laws passed in the 1990s also allow U.S. citizens to sue foreign individuals and countries for human rights abuses.

Swiss Banks and Nazi Gold

Before World War II began, Martin Friedman sent his 17-year-old son, Jacob, to Zurich, Switzerland, several times to deposit money in three Swiss banks. Fearing the worst for his Romanian Jewish family, Martin wanted to protect his family savings. Martin and his wife later perished at the Auschwitz death camp, but Jacob survived. After the war, Jacob tried to locate his father's Swiss bank accounts. But the account numbers had been lost, and without them the banks said nothing could be done.

(Continued on next page)

In 1996, Jacob joined with other plaintiffs in one of three class-action lawsuits against several Swiss banks. The plaintiffs, representing thousands of Holocaust survivors and heirs, filed their lawsuits in a New York federal court. They argued that the banks should hand over millions of dollars remaining in Holocaust-era "dormant accounts" that had not been active for many years.

The defendant banks resisted turning over any account records, claiming that they were secret under Swiss law. The defendants also argued that identifying most of the accounts would be impossible because some had been closed due to inactivity and others lacked documents to trace them.

The Swiss bank case was at a standstill in 1997, when the U.S. government made public a shocking report. According to this report, U.S. investigators after the war discovered that Swiss banks had knowingly received gold looted by the Nazis from the countries they conquered. The banks also took in melted-down gold from jewelry and dental fillings that the Nazis had taken from Holocaust victims.

Hundreds of companies cooperated with the Nazis. Some of them are well-known companies today like Siemens, Volkswagen, and Daimler-Benz (now DaimlerChrysler).

The Swiss banks profited by converting this Nazi gold into national currencies, which the Nazis used to pay for their war effort and their program of Jewish extermination.

In the report, the United States estimated that the Swiss banks had received about $200 million in looted gold, plus an uncertain amount of "victim gold." After World War II, the report revealed that following a long period of negotiations, the Swiss agreed in 1952 to return $58 million. A special fund distributed this money to 10 nations that Nazi Germany had occupied. But nothing went to the Holocaust victims.

Some historians had written about the Swiss banks receiving Nazi gold. But the public—including politicians, journalists, and even those suing the banks—did not know about it. The release of the report in 1997 created a storm of publicity and criticism against the Swiss banks. American politicians began to threaten Switzerland with a trade boycott unless the banks turned over money still held in the dormant accounts.

Finally, in 1998, the Swiss banks agreed to a settlement of $1.25 billion. The money would go to several classes of war victims, including persons claiming ownership of dormant accounts and others demanding compensation for stolen property and forced labor. The job of estimating the number of dormant accounts became easier when a special American-led investigation of the Swiss banks identified up to 54,000 of them.

Forced Labor

The Swiss bank settlement opened the floodgates for many other war victims' class- action lawsuits. Among them, plaintiffs filed suits against German companies that profited from Nazi forced labor.

Hundreds of companies cooperated with the Nazis. Some of them are well-known companies today like Siemens, Volkswagen, and Daimler-Benz (now DaimlerChrysler). In turn, Nazis provided the companies with 18 million Holocaust victims, other civilians, and prisoners of war to work under near slave conditions.

In July 2000, the United States mediated a settlement to the forced-labor lawsuits. The government of Germany and 12 large German companies agreed to create a fund of $4.6 billion. This money will compensate civilian forced labor survivors and help educate young Germans about the Holocaust.

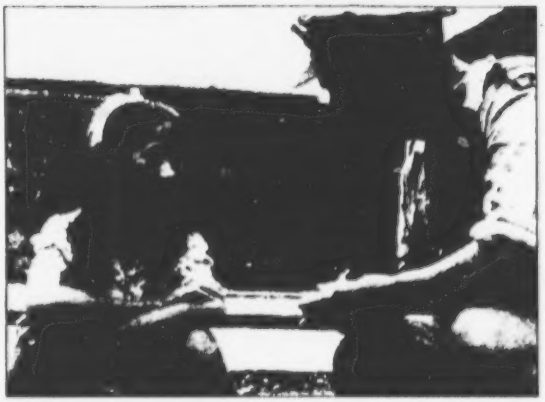
Life Insurance Benefits

Before the war, some Jews (and other persons who were later persecuted) purchased life insurance policies from German and other European companies. The heirs of those who died in the Holocaust found it almost impossible to collect on these policies. Often, the policies themselves had disappeared. But even if a policy existed, the insurance company still required a death certificate. Of course, the Nazis never issued death certificates in their extermination camps.

Those claiming insurance benefits for Holocaust victims also filed class-action lawsuits against European companies in U.S. courts. In 1998, the parties in these lawsuits formed a special international commission to develop a "just process" for paying off the insurance policies. One Italian company has agreed to settle for $150 million. Although several other companies have

agreed to establish a settlement fund, they have been slow to accept and pay claims.

Other Holocaust-related lawsuits have included the recovery of stolen art and the return or compensation for confiscated Jewish-owned buildings and land. Another suit secured compensation for U.S. citizens imprisoned in Nazi concentration camps.



A Chinese girl used as a Japanese comfort woman is interrogated by a British soldier at the end of World War II. (National Archives)

Japanese Comfort Women

Some World War II victims have also filed lawsuits against Japan. When the Japanese invaded China in 1937, the military established a system to satisfy the sexual needs of its soldiers. Eventually, the military forced up to 200,000 women in Japanese-occupied countries into official brothels. The so-called "comfort women" often died of beatings, disease, and suicide. Only about 25 percent survived.

After living in silence and shame for many years after the war, a few of the exploited women recently sued the Japanese government. They demanded an apology and compensation for their suffering. A Japanese court ruled against their case on the grounds that the 1951 peace treaty between Japan and the Allies settled all wartime claims. Other victims, however, filed a lawsuit against Japan in a U.S. federal court in 2001.

The Compensation Controversy

Some have criticized the war victims' lawsuits, especially those related to the Holocaust. American journalist Charles Krauthammer calls the entire Holocaust lawsuit movement a "grotesque scramble for money." He and other critics say that it is unfair to sue and punish companies today for the wrongdoing of previous corporate leaders over 50 years ago. They point out that some of the plaintiffs in these cases are not even Holocaust victims, but their children or grandchildren. The critics wonder when the demand for money will ever end.

In many cases, they argue, the lack of documents after all this time often makes it impossible to prove individual claims. Consequently, they say, politicians sometimes have threatened banks and companies with bad publicity to force them to agree to multimillion dollar settlements without going to trial. A Swiss leader once called this "extortion and blackmail."

Class-action attorneys traditionally get a percentage of a civil court judgment or settlement. Some lawyers in the Holocaust cases have reaped millions of dollars in legal fees. For example, in the forced labor lawsuit against German companies, one attorney received $6.3 million, and the most any plaintiff got was $7,500. Elan Steinberg, a leader of the World Jewish Congress, charges that "Holocaust survivors are being exploited by a feeding frenzy of fee-grabbing lawyers."

Finally, some Jewish leaders today flinch from the idea of reducing the suffering of millions of Holocaust victims to a matter of money. Abraham Foxman, a leader of the Jewish Anti-Defamation League and a Holocaust survivor, worries that the lawsuits will convince many that "the Jews died not because they were Jews, but because they had bank accounts, gold, art, and property."

Defenders of war victims' lawsuits disagree with these arguments. Author Itamar Levin says, "The fact that the Holocaust was the worst crime in history does not mean that stolen property should remain in the hands of those to whom it does not belong."

Defenders also point out that most of the living Holocaust victims are in their 80s and are dying off at a rapid rate. Therefore, they argue, now is the time to secure economic justice for them before they are all gone.

Defenders admit that a few lawyers have made large amounts of money from the class-action lawsuits, but these lawyers would have gotten nothing if they had lost the suits. The defenders point out that this is the only way that people who are not wealthy can afford to bring a lawsuit. In addition, they say, many more lawyers have worked for reduced fees or pro bono (for free). Lisa Stern, an attorney married to the grandson

(Continued on next page)

of a Holocaust victim, says, "The lawsuits can restore justice and dignity and correct [a] historical wrong."

The defenders argue that suing banks, industrial firms, insurance companies, and governments hopefully will help deter future gross violations of human rights. The Holocaust, they say, began with what some have called the "greatest financial crime in history." This crime, they say, provided the first steps for the horrors that followed.

For Discussion and Writing

1. How do war victims' lawsuits differ from the war crimes trials held at Nuremberg and Tokyo after World War II? How are they similar?
2. How did the United States report on Nazi gold influence the settlement of the Swiss bank lawsuits?
3. Do you think that war victims' lawsuits will help deter human rights violations in the future? Explain.

For Further Reading

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A C T I V I T Y

Compensation for War Victims: A Debate

Debate Question: Should World War II victims get compensation from banks, companies, and governments today for wrongful acts committed many years ago?

1. Divide the class into three groups:
   a. those taking the "yes" side of the question
   b. those taking the "no" side of the question
   c. those who will decide the question
2. The two debating groups should research the article to develop arguments and evidence supporting their positions. The group of decision-makers should research the article to develop questions to ask each side.
3. Each side will have five minutes to present its position.
4. After both sides have presented their positions, they may together take 10 minutes to ask each other questions and argue points.
5. After both sides have finished debating, the decision-maker group will have five minutes to ask questions.
6. Each debating group will have one minute for a closing statement.
7. The decision-makers will publicly discuss the debate question among themselves, take a vote on it, and give their reasons for voting as they did.

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PostScript

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(Continued on next page)

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Act of 1964 and Voting Rights Act of 1965, and Mexican American activism.

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13. America's Foreign Policy (Standard 22)
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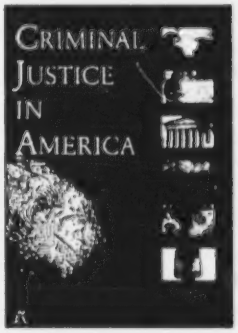

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The
BILL OF RIGHTS IN ACTION

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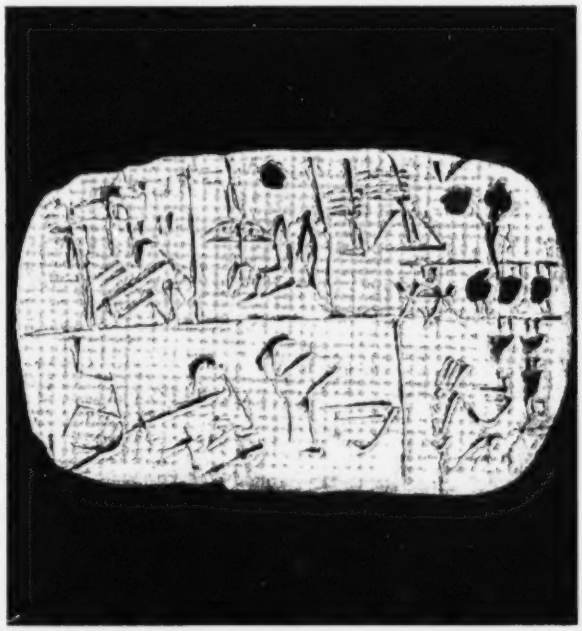
Environmental Disasters In the Cradles of Civilization

Agriculture was probably the most important invention in human history. It enabled the rise of world civilizations. But many ancient societies repeatedly chose short-sighted food production practices that spoiled their environments and undermined their civilizations.



The people of Sumer, the world's first civilization, invented writing. This advanced civilization collapsed, however, due to environmental problems. (The British Museum)

It is tempting to believe that our earliest ancestors lived in complete harmony with nature. But this was not the case. From the very beginning of human life, people changed their environment, sometimes in very damaging ways.

WORLD HISTORY

Archaeologists have evidence that small hunting and gathering groups in many parts of the world set forest and prairie fires to get rid of unwanted vegetation. Hunters also used fires to flush out game. These fires often changed plant and animal habitats in ways that favored food resources most beneficial to humans.

Hunters in North America drove herds of buffalo over cliffs to their death. But the hunters could use the meat of only a few of the dead animals, which sometimes numbered in the thousands. In some places, over-hunting caused the extinction of some animals and birds. "These first American settlers," says one environmental historian, "left a trail of destruction across the continent."

After thousands of years of constantly moving in search of food, the people in a few isolated areas of the world began to settle favorable areas. These people were able to do this only when they learned how to cultivate food crops and domesticate animals. Beginning about 10,000 years ago, this agricultural revolution was probably the most important human invention of all time.

Farming allowed people to live in the same place for long periods of time. After planting, it gave people more time to focus on art, religion, and architecture.. In time, it led to cities, labor specialization, class systems, and more leisure time. Civilizations could not have developed without the invention of agriculture.

(Continued on next page)

The Environment

This *Bill of Rights in Action* examines issues related to the environment. When we think of environmental problems, we typically think of modern industrial societies. But as the first article shows, humans have been experiencing environmental problems since the agricultural revolution. The second article explores a current environmental issue, global warming. The final article looks at the Native American Southwest and the environmental problems of the Anasazi people.

World History: Environmental Disasters in the Cradles of Civilization

Current Issues: Global Warming: What Should We Do About It?

U.S. History: Climate Change and Violence in the Ancient American Southwest

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Agriculture and the Environment

At first, farming required more work than hunting and gathering. But agriculture had one big advantage. Growing crops and raising animals on a limited area of land could sustain a larger population, which made a group more powerful. Once people understood this, they began to construct permanent homes. This eventually led to cities and all the other things that define a civilization.

The first agricultural settlements of 50 to 100 people emerged primarily in hilly areas of Southwest Asia. This includes the areas that today make up Jordan, Israel, Lebanon, Syria, southern Turkey, and western Iran. The climate consisted of long dry summers and short rainy winters. The soil was naturally fertile, but thin. The world's first farmers cultivated grains like wheat and barley along with some vegetables. They domesticated mainly sheep and goats.

As the village populations grew, farmers cleared more land for planting. They burned forests and plowed up the ground cover. In the meantime, their herds of sheep and goats increased, requiring more land to graze. Goats in particular are very efficient grazers, eating weeds and other plants of little use to people.

As more people settled in villages, they constructed houses and other buildings, often with wood. They also used wood as a fuel for cooking, heating, and burning lime to make plaster.

By about 6000 B.C., they had eliminated most of the forests around their villages. In addition, much of the natural ground cover was gone due to grazing by goats and intense farming. The dry climate required a long time for trees, other natural vegetation, and the soil to regenerate. With ever more mouths to feed, however, the farmers could not wait. They could not afford to let the land remain fallow (unplanted) for more than a year or two.

Finally, the winter rains began to erode the thin bare soil, ruining the land for farming. Farmers cleared new lands, but the same cycle of deforestation, erosion, and ruined land took place. Gradually, food production decreased. The population dropped. Sometimes, people abandoned entire villages.

The Sumerian Puzzle

The Tigris and Euphrates rivers begin in the mountains of Turkey and flow south for more than a thousand miles through modern-day Iraq to the Persian Gulf. Known in ancient times as Mesopotamia, the lands between these two rivers lacked adequate rainfall for agriculture. But people could always use water from the rivers for their crops.

By 5000 B.C., many small farming villages flourished near the banks of the two great rivers. The farmers dug simple ditches to irrigate their fields of wheat, barley, and vegetables. The resulting increase in the food supply led to a population explosion.

Several hundred years later, independent city-states like Ur arose. They had populations ranging from 10,000 to 50,000 people. By 3000 B.C., the city-states of southern Mesopotamia had formed the world's first civilization, called Sumer.

The Sumerians developed a complex class system that included priests, rulers, a government bureaucracy, craft workers, merchants, laborers, soldiers, and peasants who worked the fields. The rulers organized major building projects in the cities. They constructed canals for a large irrigation system that opened more land for growing food crops. The Sumerians also developed the world's first writing system.

In the early 20th century, archaeologists in Mesopotamia puzzled over the barren desert that had once been a rich and powerful civilization. "What happened to Sumer?" they asked themselves.

Over the centuries, silt carried by the Tigris and Euphrates built up the stream beds. Eventually, the surrounding farmlands were below the level of the rivers. The Sumerians constructed levees to contain the rivers, which worked except during major floods.

The irrigated water went to the fields, where it often collected on the surface. The hot Mesopotamian sun evaporated the standing water and left behind layers of salt. The soil also became waterlogged in places. This caused the water table to rise, bringing more salt to the surface. One clay tablet with Sumerian writing recorded that "the earth turned white."

The only solution to this salt problem, called salinization, was for the Sumerians to leave the land unwatered and fallow for several seasons to allow the water table to fall. The scarce rains would then slowly draw the salt down below the soil cultivation zone.

The Sumerian farmers knew that leaving the land alone for a while was the right thing to do. But the rulers of Sumer had based their wealth and power on the skills and labor of an ever-growing population.

Therefore, they ordered the farmers to continue irrigating and planting the damaged land to produce more food.

Wheat is less tolerant of salt than barley. Based on clay tablet records, barley gradually replaced wheat in the Sumerian diet. Soon, the yields of barley and the other crops decreased steadily. The Sumerian people began to suffer from hunger, which led to malnutrition and disease.

The shortsighted demands of the Sumerian rulers led to the collapse of their civilization. The rulers could no longer feed and pay for large armies. Peasant revolts and warfare among the Sumerian city-states erupted over control of remaining fertile farmlands. Finally, in 2370 B.C., the Akkadian Empire from the north conquered a weakened Sumer.

By 1800 B.C., agriculture in southern Mesopotamia had almost disappeared, leaving an impoverished people who lived on a desolate and poisoned land. The world's first civilization had created a monumental environmental disaster.

The Nile River flooded annually for thousands of years. These floods enriched the soil for farming. In the 20th century, Egypt built dams on the Nile to control flooding. (Paul Almasy/CORBIS)

Short-Term Gains and Long-Term Consequences

The pattern of shortsighted treatment of the environment continued in most of the other cradles of civilization. In the Indus River Valley of India, another rich society based on irrigation agriculture arose around 2300 B.C.

Once again, a vast irrigation system caused soil salinization. In addition, the people constructed their buildings with kiln-fired bricks. The kilns required huge amounts of wood to fuel the firing process. Within a few hundred years, the people had cleared the hillside forests, causing severe erosion of the farmlands in the valley below. By 1900 B.C., the people of the Indus River Valley civilization had abandoned their once-impressive cities.

In China, farmers in the northern plains plowed the grasslands to plant millet, another grain crop. But wind and rain soon eroded the soil. Massive deforestation also added to the erosion disaster. For centuries afterward, silt from the erosion clogged Chinese rivers, causing frequent destructive floods and the loss of millions of lives.

One of the major cradles of civilization avoided an environmental crisis for more than 7,000 years. Egypt's Nile River floods annually, washing away any salt deposits and laying down new fertile soil. This natural cycle enabled Egyptian farmers to sustain high crop yields year after year.

In modern times, Egypt built dams on the Nile to control the floods and hold reserves of water. But the dams also blocked the fertile silt from reaching the farmlands and replenishing the soil. Today, Egyptian agriculture depends heavily on expensive commercial fertilizers.

Most ancient environmental disasters occurred because of the salinization or erosion of farmlands caused by irrigation systems, deforestation, and overgrazing by domesticated animals. In these ways, the Persians, Greeks, Romans, Vikings in Greenland, Mayans in Central America, Native Americans in the Southwest, and Polynesians on Pacific islands all damaged their environments to some degree.

Climate changes and warfare often added pressure on civilizations already weakened by environmental disasters. In virtually every case, however, people contributed to their own downfall by over-exploiting their environment for short-term gains while ignoring the long-term consequences.

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For Discussion and Writing

1. Why was the invention of agriculture necessary before any civilization could develop?
2. Why do you think most hunting and gathering peoples gave up their old ways to become farmers?
3. What were the main causes of environmental disasters in ancient civilizations? Why do you think these disasters repeatedly occurred all over the world?

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A C T I V I T Y

Long-Term Impacts From Short-Term Gains

In this activity, students discuss and report on questions related to modern environmental problems.

Form small groups to discuss the following questions:

1. **What long-term negative impacts on the environment could result from the following short-term gains?**
   - A. Depending more on irrigated farmlands in areas with little rainfall.
   - B. Increasing logging and road construction in forests.
   - C. Building more single-family home housing developments.
   - D. Manufacturing more and larger gasoline-powered vehicles.
2. **What measures can you recommend to avoid the negative impacts you have identified without endangering the economy of the country?**

After discussing these questions, each group should report its conclusions to the class.

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Standards Addressed

Environmental Disasters In the Cradles of Civilization

National World History Standards for High School: Era 2—Early Civilizations (4000-1000 BCE)

Standard 3: Understands the major characteristics of civilization and the development of civilizations in Mesopotamia, Egypt, and the Indus Valley. Understands influences on the social and economic framework of Mesopotamia, Egypt, and the Indus Valley.

Standard 4: Understands how agrarian societies spread and new states emerged in the third and second millennia BCE. Understands how environmental conditions such as the prevailing wind, current, and flooding patterns, influenced civilizations in the Tigris, Nile, and Huang He valleys.

Global Warming: What Should We Do About It?

National Civics Standards for High School

Standard 21. Understands the formation and implementation of public policy. Knows a public policy issue at the local, state, or national level well enough to identify the major groups interested in that issue and explain their respective positions.

California History-Social Science Content Standards

11.11 Students analyze the major social problems and domestic policy issues in contemporary American society. (5) Trace the impact of, need for, and controversies associated with environmental conservation . . . .

Climate Change and Violence In the Ancient American Southwest

National World History Standards for Grades 7 and 8: Era 5—Intensified Hemispheric Interactions (1000–1500 CE)

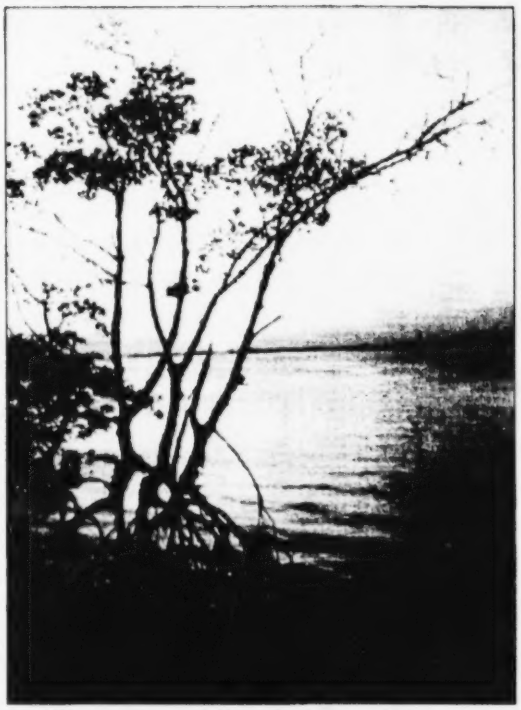
Standard 24: Understands the expansion of states and civilizations in the Americas between 1000 and 1500. (2) Understands cultural and economic elements of North American and Mesoamerican civilizations (e.g., the major characteristics of . . . Anasazi, Pueblo . . . peoples . . .).

California History-Social Science Content Standards

5.1 Students describe the major pre-Columbian settlements, including the cliff dwellers and pueblo people of the desert Southwest . . . . (1) Describe how geography and climate influenced the way various nations lived and adjusted to the natural environment, including locations of villages, the distinct structures that they built, and how they obtained food, clothing, tools, and utensils. (2) Describe their varied customs and folklore traditions.

Global Warming: What Should We Do About It?

There is little doubt that the Earth is warming. But there is considerable controversy over global warming's future impact on the world's climate and what (if anything) we should do about it.



Global warming may raise the sea level. It may also cause droughts, floods, disease, damage to ecosystems, and economic hardship. (National Oceanic and Atmospheric Administration)

Researchers at the University of Alaska reported in 2002 that most Alaskan glaciers are melting at twice the rate of previous estimates. An increasing majority of the world's scientists have concluded that changes in the environment like this one provide convincing evidence of a gradual heating up of the Earth's surface. Scientists refer to this as "global warming."

CURRENT ISSUES

For over 100 years, scientists have known about the physical mechanism that causes the Earth to warm. Today, they call it the "greenhouse effect." Generally, it works like this:

1. Radiation from the sun in short wavelengths easily passes through the Earth's atmosphere and strikes the surface, which reflects much of it back as longer wavelengths.
2. Instead of going back into space, the longer wavelengths are absorbed by gases in the atmosphere.
3. The atmosphere reflects back to the Earth's surface a significant amount of the trapped radiation, which becomes heat.

Thus, the Earth warms much like a greenhouse or automobile does when the Sun's rays penetrate the glass, but are trapped inside as heat.

Water vapor and other gases in the atmosphere capture and return to Earth about 50 percent of the sun's incoming radiation. The warming that results is necessary to prevent our planet from becoming extremely cold and hostile to life. But over the past few centuries, human activities on Earth have increased the concentration of some gases in the atmosphere that intensify heating. These gases include carbon dioxide, methane, nitrous oxide, and others, the so-called "greenhouse gases."

The Evidence of Climate Change

In 1896, a Swedish chemist, Svante A. Arrhenius, became the first scientist to hypothesize that burning fossil fuels (mainly coal, oil, and natural gas) releases carbon dioxide into the atmosphere, which leads to a warming of the Earth's surface. Later, scientists discovered that the rise of carbon dioxide and other greenhouse gas concentrations seemed to begin with the Industrial Revolution and speeded up in the 20th century.

To be sure, there are a number of ways that the Earth can become warmer naturally. Periods of global warming in the past were caused by changes in the Earth's orbit, volcanic eruptions, and variations in the Sun's radiation output. But natural causes apparently cannot explain the current warming of the Earth.

In 1988, the United Nations established the Intergovernmental Panel on Climate Change (IPCC). The purpose of the IPCC is to review the work of scientists around the world to assess the evidence of climate change.

In 2001, the IPCC issued its third report, assessing the evidence of climate change. The IPCC found that during the 20th century, the Earth warmed by about 1 degree Fahrenheit. One degree does not seem like a lot. But scientists know that at various times in Earth's history, shifts of just a few degrees had a dramatic impact on the planet's climate and environment. Here are some other major 20th century climate changes that the IPCC reported:

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- While some areas of the world experienced worsening droughts, others had greater rainfall and flooding.
- Most of the world's glaciers were melting.
- The average sea level rose several inches.
- Plant and animal habitats were moving.

The IPCC also found that the concentration of carbon dioxide in the atmosphere rose by about 30 percent during the last 200 years, the period of the Industrial Revolution. Carbon dioxide is the most important greenhouse gas that traps heat from the sun.

In addition, the IPCC discovered "new and stronger evidence that most of the warming observed over the last 50 years is attributable to human activities." About 75 percent of carbon dioxide emissions come from burning fossil fuels. Americans produce more than their share of these emissions and are responsible for 35 percent of all greenhouse gases ever produced by humans.

Most of the remaining carbon dioxide emissions result from the destruction of forests. Since 1855, humans have destroyed up to 20 percent of the world's rain forests in places like Brazil. Burning forests to clear land for farming, roads, and settlement injects large amounts of carbon dioxide into the atmosphere.

Trees take in carbon dioxide in order to grow. They convert carbon dioxide to oxygen as part of their metabolic process. With fewer trees, less carbon dioxide is converted. The destruction of trees hinders nature's way of removing this greenhouse gas from the atmosphere. Scientists refer to forests, farmlands, and the oceans as "carbon sinks," because they remove carbon dioxide from the atmosphere. The problem is that widespread deforestation is decreasing a major sink.

The Persistent Minority

A persistent minority of the world's scientists disagree with the findings of the IPCC. In his book, *Hot Talk, Cold Science: Global Warming's Unfinished Debate*, environmental science scholar S. Fred Singer points out that there are many things scientists do not yet know. For example, they are not sure how much carbon dioxide is absorbed by the ocean carbon sink.

Rather than assuming an environmental disaster will result from global warming, Singer identifies its potential benefits. He foresees more food from longer growing seasons, an increase in timber, more water in some dry regions, and a decrease in the use of fossil fuels for heating as winters become more moderate.

Perhaps the greatest uncertainly identified by scientists like Singer involves clouds. As the Earth warms, these scientists predict, ocean evaporation will increase, causing more high cirrus clouds to form. A greater global cloud cover will reflect more of the Sun's radiation back into space and actually cool the planet.

What If We Do Nothing?

Humans have changed the environment since prehistoric times. But environmental disasters in the past were limited to local regions. Today, human activities on a worldwide scale appear to be changing the global climate. Moreover, most scientists now agree that, on balance, global warming is likely to have a negative impact on the planet.

What is likely to happen over the next 100 years if we do nothing about global warming? The IPCC's third assessment report includes the best available projections of likely impacts on the world's environment.

According to the IPCC's report, carbon dioxide concentrations in the atmosphere will double by 2100. This will cause an average increase in the global surface temperature between 3.5 and 10 degrees Fahrenheit. The rate of temperature increase during the century will very likely be greater than at any time in the last 10,000 years.

Increasing temperatures will mean more droughts in many areas of the world, including parts of the United States such as the Southwest. In these areas, crop yields will decline and more forest fires will occur. The decreased food supply in poor countries experiencing drought will often lead to famine.

Insects will thrive in a warming world. Many insect-borne diseases like malaria will expand into new regions where the people have little natural resistance.

While some parts of the world will suffer from heat and dryness, other regions will experience increased rainfall along with floods, landslides, and soil erosion. Violent storms will threaten human life, health, and property, driving up insurance rates.

Throughout the 21st century, glacier and icecap melting will accelerate in the Northern Hemisphere. It is possible that the entire Greenland ice cap could melt

away, adding to the projected three-foot rise in sea level by 2100.

The rising seas will cause major flooding and loss of land in the coastal regions in the world, affecting tens of millions of people. Low-lying small Pacific islands will likely disappear beneath the waves. A side effect of the warming seas may be the shifting of ocean currents, which could have a major influence on weather over landmasses and commercial fishing.

Ecosystems unable to cope with the climate changes will be at risk. Up to 50 percent of the world's wetlands may be lost before the end of the century. While some animal, bird, and fish species will successfully expand their ranges, those unable to adapt will become extinct. The good news for humans is that even through the worst of the global warming, *Homo sapiens* will survive.

A recent study by a large insurance company estimated the economic impact of global warming if carbon dioxide concentrations double in the 21st century. The study concluded that weather damage, crop losses, and other expenses will cost the world $300 billion per year.

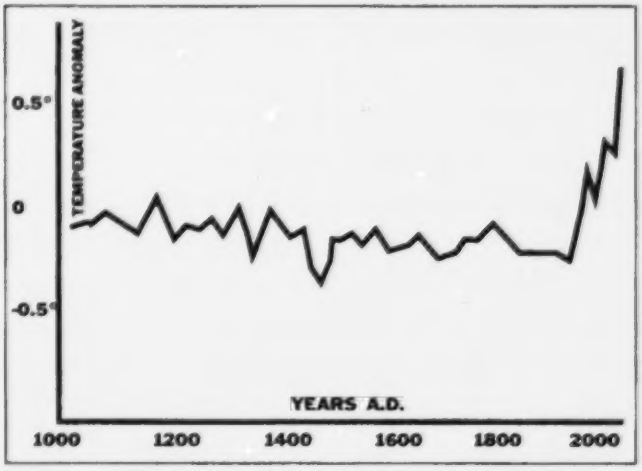
Poor countries in Africa, Asia, and Latin America, which have historically introduced the least amount of greenhouse gases into the atmosphere, will suffer the greatest economic hardships. But when the Earth's surface temperature increases more than a few degrees, even industrialized countries like the United States will experience economic hardships.

There will be some positive benefits from global warming, such as longer crop growing periods. But these benefits will probably not be enough to overcome significant damage to the environment.

What Should We Do About Global Warming?

In 1992, the United States and the other industrialized nations agreed to reduce their greenhouse gas emissions to 1990 levels. This agreement, however, was not legally binding.

In 1997, more than 160 nations met at Kyoto, Japan, to work out a treaty requiring reductions of greenhouse gas emissions. A proposed exemption of all economically developing countries from any mandatory limits on their emissions proved to be a major obstacle.



This graph shows the variation of temperature in the Northern Hemisphere for the last 1,000 years. It is based on data from trees, coral reefs, and ice layers. The 1 degree Fahrenheit rise in the 20th century contrasts sharply with previous years. (U.S. National Climactic Data Center)

These countries argued that such limits would severely weaken their economic development.

Despite opposition from the United States and other industrialized nations, the developing countries exemption was included in the final treaty. The industrialized countries agreed to reduce their greenhouse gas emissions up to 8 percent below 1990 levels by 2015. This should stabilize the greenhouse effect and begin to slow damage to the global environment.

The Kyoto Treaty included no specific methods that nations had to use to reduce their emissions. Nations would probably have to consider options such as limiting deforestation, requiring more fuel-efficient automobiles, or imposing a "carbon tax" on gasoline and other fossil fuels to discourage usage. Relying more on solar, wind, and nuclear power would also reduce greenhouse gas emissions.

President Bill Clinton signed the Kyoto Treaty, but the U.S. Senate refused to ratify it because of the developing countries' exemption and possible threats to the American economy. In 2001, President George W. Bush withdrew the United States from the Kyoto Treaty. He argued that its percentage requirements for greenhouse gas reductions would cost Americans millions of jobs. A few months later, 180 nations met without the United States to implement the treaty.

In 2002, President Bush came up with his own plan for reducing U.S. greenhouse gas emissions. He proposed

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a mix of alternative fuel research and tax credits to encourage companies to reduce their emissions voluntarily over a 10-year period. This approach, Bush said, would cut greenhouse gas emissions to levels comparable to those required by the Kyoto Treaty without damaging the American economy.

Critics of President Bush's plan faulted his heavy reliance on voluntary action by companies and claimed that U.S. emissions would grow substantially. Sen. John Kerry (D-Mass.) argued that Congress should set higher fuel-efficiency standards for cars and SUVs. President Bush opposed this proposal because it would force manufacturers to make these vehicles smaller and more expensive.

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Global warming is real. The debate centers on what to do about it. The dilemma is how to reduce greenhouse gas emissions without damaging the world economy.

For Discussion and Writing

1. Make a list of five impacts on the world's environment that are likely to occur in the 21st century if we do nothing about global warming. Rank these changes from most to least important from your point of view. Give reasons for the single most important change on your list.
2. Do you think developing countries should be exempted from mandatory reduction of greenhouse gas emissions? Explain.
3. What is the basic difference between the Kyoto Treaty approach and that of President Bush in reducing greenhouse gas emissions?

For Further Reading

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ACTIVITY

The Global Warming Summit

In this activity, students take part in a mock Global Warming Summit meeting.

1. Form four role groups to represent the viewpoint of the following sets of countries at a Global Warming Summit meeting:
   A. Small poor countries already experiencing drought, flooding, or rising sea levels.
   B. Large developing countries like China, India, and Brazil that are trying to speed up their economic development.
   C. European and other industrialized countries, except the United States.
   D. United States
2. The first task for each set of nations will be to prepare a statement on its viewpoint about global warming and the Kyoto Treaty. Each should then report its viewpoint to the other nations.
3. The next task will be for each set of nations to prepare and argue for specific strategies to address the global warming problem. Refer to the article for ideas, which may include voluntary actions by nations and individuals as well as national and international laws.
4. The last task will be for the participants to attempt to write a legally binding international treaty on global warming that all four sets of nations are willing to sign.

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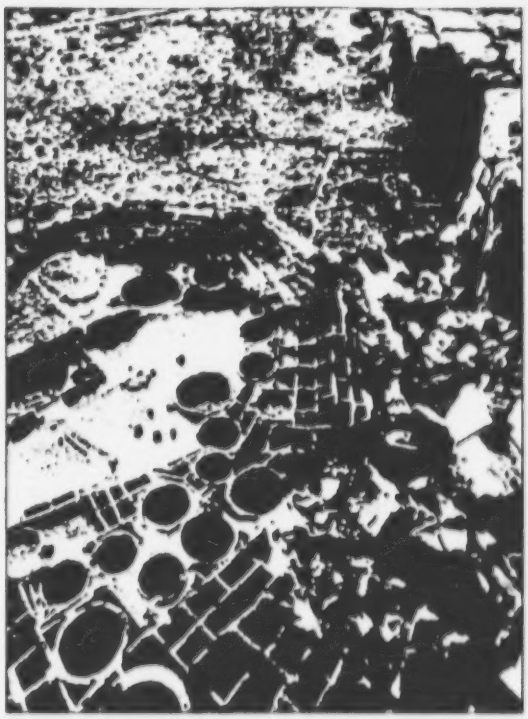
Climate Change and Violence In the Ancient American Southwest

For thousands of years, climate changes in the American Southwest dramatically affected the lives of the Anasazi people. About 800 years ago, overpopulation and a series of droughts led to starvation and warfare that shattered their civilization.

During the late 1800s, Americans began to stumble across ancient ruins of large buildings all over the Southwest. When the Americans asked the Navajos living in this region who made the old structures, they simply answered, "Anasazi." This is a Navajo word meaning "ancient ones" or "ancestors of our enemies." (Today, many people refer to the Anasazi as "Ancestral Puebloans.")



This is an aerial view of Pueblo Bonito, the largest of the Chaco Canyon Great Houses. The ruins are located in northwest New Mexico. (© C. Benton)

Around 1900, archaeologists began to dig up and study the remains of the prehistoric Anasazi civilization. They focused on an area called the Four Corners, where the borders of New Mexico, Arizona, Utah, and Colorado join.

U S HISTORY

After 100 years of painstaking research, the archaeologists have pieced together much of the Anasazi story. They now know that this ancient people founded a flourishing civilization. The Anasazi cultivated crops in a desert environment with a long history of climate change.

The First People

Originating in Asia, the first people came to what is now the American Southwest about 10,000 years ago. These hunters and gatherers were constantly on the move. The climate was cooler and wetter then, so big game like mammoths and buffalo could be hunted.

After 5000 B.C., the climate changed. It became warmer and drier. When the herds of animals migrated north, the people adapted by gathering more wild plants to eat. The climate changed again, and some animals, such as deer, returned. With meat adding to the great diversity of wild plant foods in their diet, the population began to grow slowly. By 2000 B.C., the nomadic people had become too numerous for the available plant and animal resources. They had to find some new source of food.

Farming in a Dry Land

Sometime after 2000 B.C., traders from Mexico brought a primitive type of corn into the Southwest for the people to cultivate. Later, the people planted squash and beans that also originated from Mexico.

Thus, the agricultural revolution came to the Southwest. Families increasingly stayed in one place where they grew most of their food. These people became the Anasazi farmers, who would dominate the Southwest for the next 3,000 years.

The Anasazi built villages made up of pit houses. These were circular structures built partly or entirely underground. As the villages got bigger, the Anasazi built an additional large pit house for community gatherings and religious ceremonies. The Anasazi believed that they had originated from underground beings who emerged at sacred openings in the earth. The large pit houses, later called kivas, apparently symbolized these openings from the underworld.

By A.D. 900, the Anasazi had learned to make clay pots. This revolutionized their cooking, allowing them to more easily make stews and corn cakes.

The Anasazi started building aboveground square or rectangular houses made of sandstone blocks and wood. Each family constructed a house that adjoined that of another family in a row or arc. The Spanish would later call this group of connected homes a pueblo. Usually, each pueblo had one or more kivas.

The improved lives of the Anasazi drove up their population, especially in what is now the San Juan River

(Continued on next page)

Basin of northwest New Mexico. The growing population forced the Anasazi to build more pueblos further away from the few year-round rivers in the region. Increasing numbers of the Anasazi worked at "dry farming." This meant that they depended on summertime rains to water their crops. In the years with summer rain, the farmers prospered. But in times of drought, the crops failed and their families faced starvation.

"The Chaco Phenomenon"

After A.D. 900, a new beneficial climate change took place, bringing predictable summer rains year after year. Crops grew in abundance. The population exploded throughout the Southwest. The number of Anasazi surged to about 100,000 people living in more than 10,000 pueblos.

A remarkable development started to take shape in what we now call Chaco Canyon in northwestern New Mexico. The Anasazis constructed large multi-story buildings with hundreds of rooms that archaeologists later called "Great Houses."

These were not just mud-brick structures. Anasazi masons carefully shaped and tightly fitted sandstone blocks to make the walls. Archaeologists estimate that the Anasazis cut down 215,000 trees from forests 30–40 miles away to make the floors and roofs of 12 Great Houses at Chaco Canyon.

Something else very strange was going on in Anasazi society.

Pueblo Bonito, as archaeologists call it today, was the largest of the Chaco Canyon Great Houses. It included 700 rooms in five stories plus more than 30 kivas. The D-shaped building contained some living space. But the Anasazi used more than half the total rooms for storing food. One "Great Kiva" was over 50 feet in diameter and 12 feet deep. The Anasazi built about 100 more Great Houses throughout the countryside. They then constructed over 400 miles of straight 30-foot wide roads that connected most of the Great Houses to Chaco Canyon.

The roads are somewhat of a mystery. The Anasazi had no horses or wheeled vehicles. Archaeologists suspect the Anasazi may have used the roads to carry tree timbers, expand trading, and assist people on spiritual journeys.

During this period of favorable climate, successful crops, increasing population, and great building projects, little warfare seems to have taken place. Archaeologists call this time in Anasazi history "The Chaco Phenomenon."

Who Were the Leaders?

The Anasazi may have used Pueblo Bonito and the other Great Houses simply to store corn and seeds for farmers whose crops failed in dry years. Great House building continued for two centuries, and it required enormous amounts of human labor. Somebody had to organize, feed, and motivate thousands of masons, carpenters, tree cutters, road builders, and other workers.

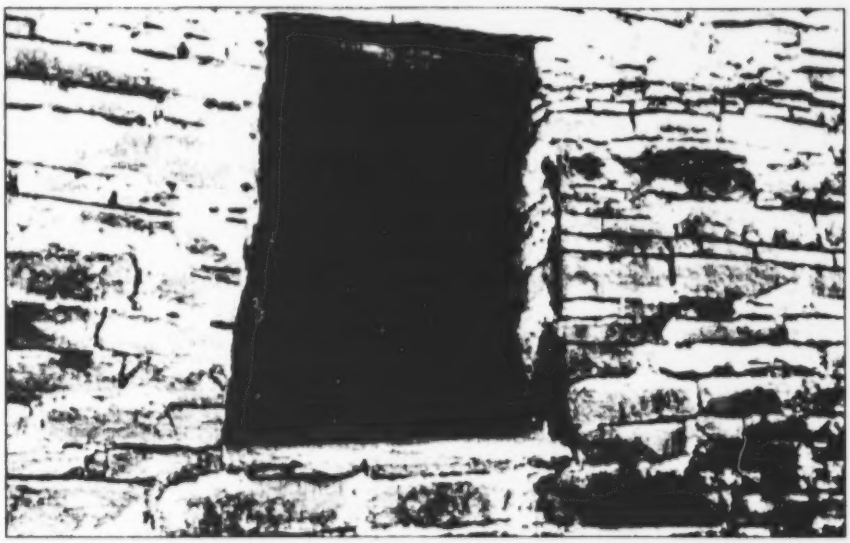
Many archaeologists believe that the Anasazi farmers supported an elite religious class, who lived in the Great Houses and conducted ceremonies to assure rainfall and successful crops. The archaeologists know that the members of this elite class had a more nutritious diet, were healthier, and lived longer than the farmers did. Living in pueblos scattered over a vast area, the farmers had a hard life. Up to 45 percent of their young children died of poor nutrition and disease.

Something else very strange was going on in Anasazi society. Archaeologists Christy and Jacqueline Turner have examined many Anasazi skeletal remains. They discovered that nearly 300 individuals had been victims of cannibalism. The Turners found that the bones had butcher cuts and showed evidence of being cooked in a pot. In addition, some detached heads had been scalped and roasted over a fire.

The Turners have rejected the idea that the Anasazi were eating one another to avoid starvation. More likely, they "processed" their victims in some sort of ritual, which may or may not have involved actually consuming human flesh.

The Turners speculate that a group of warrior-priests from Mexico fled to Anasazi lands after the violent collapse of their own civilization. This group then took control of the peaceful Anasazi farmers and forced them to pay tribute of food and labor for building the Great Houses and road system.

According to this theory, the warrior-priests performed horrific rituals of human sacrifice and cannibalism to terrorize the Anasazi into accepting their rule. Then, year after year, the Anasazi farmers filled the storage rooms of the warrior-priests' Great Houses with food while their own children often died of malnutrition.



The thick walls of Pueblo Bonito were made of sandstone bricks held together by mud. Plaster covered the outside walls to protect them from the rain. (© C. Benton)

Drought and Disaster

In 1090 and again in 1130 severe droughts brought disaster to the Anasazi civilization centered at Chaco Canyon. The lack of rain, depleted and eroded soils, deforested mountains, and over-hunted wildlife all contributed to widespread starvation.

The Anasazi built small dams, dug irrigation ditches, and farmed on terraced slopes to better capture water when the rains did come. But these efforts ultimately failed.

The Great House elite lost control of the people, who simply began to walk away from their pueblos toward the mesas and mountains of the north where more rain fell. By 1170, the Anasazi had abandoned all their Great Houses.

Moving into the uplands, the Anasazi fought over desirable farmland. Warlike tribes sometimes raided from the Great Plains. During the early 1200s, the Anasazi built fortified pueblos on flat mesa tops and engineered spectacular cliff dwellings. But the climate again betrayed them when temperatures cooled, shortening the growing season and thus reducing their food supply.

Around 1250, the Anasazi were again on the move. They abandoned their mesa-top pueblos and cliff dwellings. They headed back to the lands in the south that they had left a few generations before. This time, they built their pueblos near reliable sources of water like the Rio Grande River. What archaeologists call the "Great Drought," however, struck the Southwest in the late 1200s and persisted for more than a quarter century.

Extermination Warfare

New archaeological evidence reveals that from the late 1200s until the 1500s, the Anasazi were continually at war with one another. They fought for control of watered farmlands, for access to wild-food resources, and perhaps even over competing religions. These were not just occasional raids, but brutal wars of extermination.

There is much evidence of massacres, pueblo burnings, and killings of men, women, and children everywhere in the Anasazi homeland. For example, in 1263, more than 30 infants and children were burned alive in a kiva of an old reoccupied Great House.

The Anasazi built their pueblos in clusters for mutual protection. As the warfare intensified, however, the Anasazi abandoned one pueblo cluster after another. The refugees moved on to other pueblos, greatly enlarging their populations. Some of these pueblos expanded to a thousand rooms or more.

By 1450, only three major pueblo clusters remained in the entire Anasazi homeland. Except for a line of pueblos along the Rio Grande River Valley, the land outside the surviving three clusters was empty of human life. Huge numbers of Anasazi had starved to death or died in the unrelenting violence.

Spanish Colonization

In 1540, Francisco Coronado led the first Spanish expedition into Anasazi lands. Spanish colonization brought new diseases that further reduced the already devastated Anasazi population.

(Continued on next page)

In one final spasm of violence, the Pueblo People, as the Spanish called them, revolted in 1680. They killed hundreds of Spanish men, women, and children and drove the surviving colonists out of the entire region.

When the Spanish returned in the early 1700s, the Pueblo People did not resist. Instead, they adopted a peaceful way of life to prevent the Spanish from having any excuse to seize their few remaining lands. In 1706, the Spanish took a census and counted 18 pueblos with a total population of fewer than 7,000 people.

In 1848, the United States acquired the Southwest from Mexico. Today, the land of the ancient Anasazi is once again undergoing a severe drought. The Pueblo People still live in their homeland, mainly in New Mexico and Arizona. Their population is growing, but is only about half of what it was 850 years ago during the "Chaco Phenomenon."

For Discussion and Writing

1. How did climate change affect the development of the Anasazi civilization?
2. What was the "Chaco Phenomenon"? Why do you think it occurred?
3. Why do you think the Anasazi civilization collapsed after 1100?

For Further Reading

LeBlanc, Steven A. *Prehistoric Warfare in the American Southwest*. Salt Lake City, Utah: University of Utah Press, 1999.

Stuart, David. *Anasazi America*. Albuquerque, N.M.: University of New Mexico Press, 2000.

A C T I V I T Y

Comparing Civilizations

The Mayans of Central America, the Toltecs of Mexico, the Mound Builders of the American Midwest, and medieval Europeans all existed at the same time that the Anasazi did (from about A.D. 1000 to 1400). In this activity, students research and report on these civilizations.

A. Form four research groups to each investigate one of the following civilizations: Maya, Toltec, Mound Builder, and medieval Europe.

B. Each group should use the school library and the Internet to gather information on its civilization, covering the following areas:

   1. geography, natural environment, and climate
   2. food resources and production methods
   3. form of government
   4. religious beliefs and practices
   5. architectural styles and construction methods
   6. evidence of violence and warfare

C. After completing its research, each group should compare its civilization with that of the Anasazi.

D. Each group should report how its civilization is similar to and different from the Anasazi.

E. Finally, the class should identify characteristics that seemed to have been common to all the civilizations.

Sources

Christianson, Gale E. Greenhouse. *The 200-Year Story of Global Warming*. New York: Penguin Books, 1999. • Ferguson, William M. *The Anasazi of Mesa Verde and the Four Corners*. Niwot, Colo.: University Press of Colorado, 1996. • Gear, Kathleen O'Neal and Gear, W. Michael. "The Rise and Fall of the Anasazi: Why Should We Care What Happened to Them?" *The Summoning God*. New York: Tom Doherty Associates, 2000. • Gummerman, George J., ed. *The Anasazi in a Changing Environment*. Cambridge: Cambridge University Press, 1988. • Johnson, George. "Social Strife May Have Exiled Ancient Indians." *New York Times*. 20 Aug. 1996. • Le Blanc, Steven A. *Prehistoric Warfare in the American Southwest*. Salt Lake City, Utah.: University of Utah Press, 1999. • Lekson, Stephen H. et al. "The Chaco Canyon Community." *Scientific American*. July 1988:2-11. • National Park Service. Chaco Culture National Historic Park. <www.nps.gov/chcu/>. • Redman, Charles L. *Human Impact on Ancient Environments*. Tucson, Ariz.: University of Arizona Press, 1999. • Stuart, David. *Anasazi America*. Albuquerque, N.M.: University of New Mexico Press, 2000. • Turner, Christy G. and Turner, Jacqueline A. *Man Corn, Cannibalism and Violence in the Prehistoric American Southwest*. Salt Lake City, Utah: University of Utah Press, 1999.

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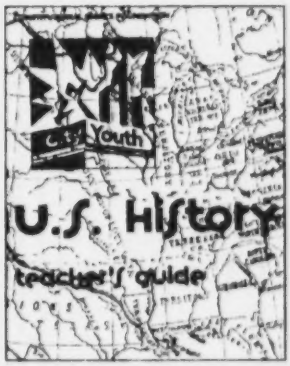
PostScript

RESOURCES AND MATERIALS FOR CIVIC EDUCATION

Check Out All These New Publications From CRF!!!

CityYouth: U.S. History

Middle School



Hot off the presses! This is CRF's newest publication. It is a standards-based, interactive, middle-school curriculum. It integrates civic education and service learning into the core academic subjects: social studies, language arts, science, and math.

Its four units are designed to support a U.S. history course. Each of the four units contains lessons set in a historical era and introduces a theme students will explore and analyze.

Multidisciplinary lessons provide depth and contemporization of the theme and guide students toward applying what they learn through service-learning projects.

Unit 1: Leadership—American Revolution. Students evaluate the leadership qualities of George Washington, differentiate between "celebrity" and "leadership," and determine the qualities of leadership necessary to address school and community problems.

Unit 2: Crime Prevention (Old West / Reconstruction). Students look at crime fighting in the Old West, learn about modern techniques, and take part in a simulation to solve a crime.

Unit 3: Education (Turn of 20th Century). Students examine primary documents to learn about social conditions in New York tenements and evaluate compulsory education laws.

Unit 4: Media Literacy (Contemporary). Students review the history of the First Amendment, participate in a simulation of local news teams trying to maintain ethical standards and attract viewers and advertisers, and explore the responsibility of individuals in passing on information (especially rumors and urban legends).

Teacher's Guide: Contains step-by-step lesson plans, repro-ready masters of all student handouts, strategies for making school-community connections, and tools, methods, and rubrics for program evaluation and student assessment. 222 pp.

Handout Masters: The complete, copy-ready set of student handouts, unbound for easy repro.

#63130CBR Teacher's Guide $39.95
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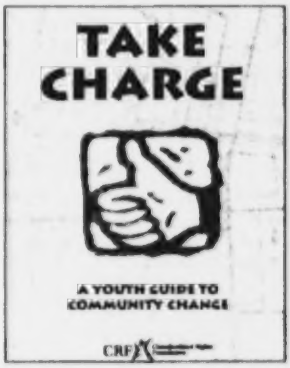

With *Take Charge*, young people follow a simple framework to:

- Explore their community.
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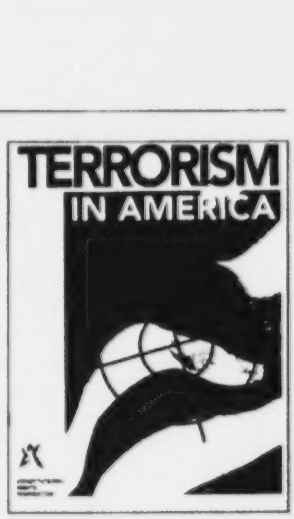

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(Continued on next page)

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- Free speech cases
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All lessons have master copies ready for easy duplication.

This curriculum was originally developed following the Oklahoma City bombing in 1995. It was revised, updated, and expanded after the September 11 attacks.

On our web site (**www.crf-usa.org**), we have also developed **America Responds to Terrorism**, a collection of online lessons and resources. Included are much of the material from *Terrorism in America*, additional lessons, and a huge collection of links to lessons, media sources, government sources, and information on the Middle East, Afghanistan, Osama bin Laden, maps and geography, Islam, tolerance, think tanks, commentary, and other collections of links on terrorism. This site is constantly updated.

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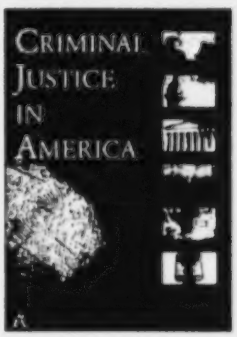
Criminal Justice in America

3rd Edition
Grades: 9–12



Our most popular publication, *Criminal Justice in America*, has been completely revised, updated, and supplemented. This latest edition features new and revised readings, up-to-date statistics, and new, expanded case studies. The most comprehensive secondary text available on the subjects of criminal law, procedure, and criminology, *Criminal Justice in America* can serve as a text for an entire law-related education course or as a supplement for civics, government, or contemporary-issues courses.

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- **Crime:** Victim rights, history of crime, methods for measuring crime, white collar crime, violent crime, youth gangs, elements of crimes, and legal defenses to crime.
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- **The Criminal Case:** Follows a hypothetical criminal case from arrest through trial. It includes all the key steps of the criminal trial process.
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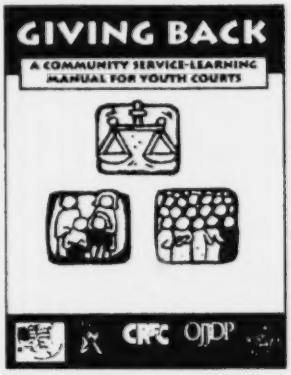

Youth courts are among the fastest-growing crime intervention programs in the nation. Also known as teen courts or peer juries, youth courts involve young people in sentencing their peers for misdemeanor crimes or school-rule violations.

Community service is the most popular sentencing option in most youth courts. *Giving Back: A Community Service-Learning Manual for Youth Courts* helps youth courts plan and implement meaningful community-service sentencing options by applying school-based, service-learning methods to community service.

Download a **free** copy of *Giving Back* from the CRF web site: **www.crf-usa.org/YouthCourt/GivingBack_home.html**

Giving Back was designed and written by Constitutional Rights Foundation and Constitutional Rights Foundation Chicago and is made available through the Office of Juvenile Justice and Delinquency Prevention and the National Youth Court Center.

Visit the National Youth Court Center at: **www.youthcourt.net**

Come to CRF's Sessions at the Annual NCSS Conference

The annual NCSS Conference will be held in Phoenix, Arizona, November 21–24, 2002. Take this opportunity to go to three sessions by CRF staff.

Teaching About Terrorism. Thursday, November 21, from 8 a.m. to 11 a.m. Prescott Room #10. This pre-conference clinic focuses on issues related to terrorism. Find resources and interactive lessons that you can use in your classroom.

Teaching for Democracy through DEEP. Saturday, 8 a.m. to 10 a.m. Yuma Room #28. CRF Chicago has lessons on teaching democratic issues and a survey of U.S. and Eastern European students comparing what they think are the top-five issues that government needs to address. DEEP is the Democracy Education Exchange Program.

The Civil Rights Movement. Saturday, November 23, from 2:30 to 3:30 p.m. Tucson Room #42. Join us for an exciting, interactive lesson on the most important movement in 20th century America.

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People v. Price

Arson and the protection against unreasonable searches

Eco-terrorism is suspected when a fire destroys much of ski resort that was planning to expand into neighboring wilderness areas. An outspoken opponent of the expansion is arrested and charged with arson. Pretrial issue: Was a search of the defendant's truck at a safety checkpoint constitutional?

People v. Tanner

Homicide and memory reliability

A young adult's 20-year-old memory of a sibling's death sparks a police investigation leading to a murder charge against the young adult's parent. Pretrial issue: Should the court admit into evidence records of 911 calls about spousal violence made months before the alleged murder or are these records irrelevant and highly prejudicial?

People v. Brunetti

Homicide, conspiracy, the right to bear arms

Two students die in a schoolyard shooting —the victim and shooter. Police arrest the shooter's cousin who owned the murder weapon as well as an illegal assault rifle. Pretrial issue: Is a statute regulating possession of assault weapons constitutional?

People v. Donovan

Involuntary manslaughter, theft of traffic signs, and the protection against self-incrimination

Police arrest a college student for stealing a "Do Not Enter" sign, which led to a fatal traffic accident. Pretrial issue: Are the student's incriminating statements admissible?

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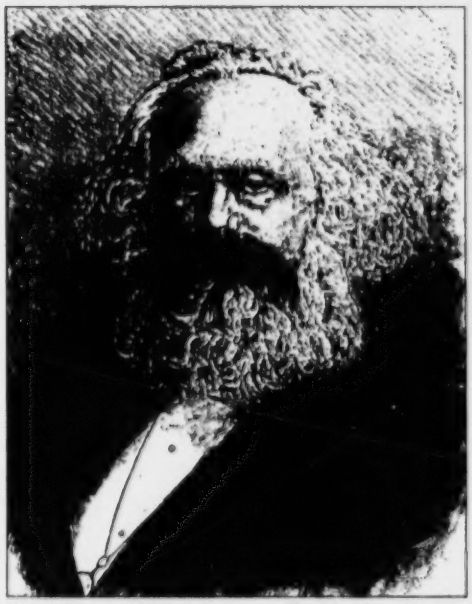
SPRING 2003 VOLUME 19 NUMBER 2

Karl Marx: A Failed Vision of History

Philosopher Karl Marx believed he had discovered the key to history: Capitalism would be overthrown by communism and oppressed workers would finally be free. History did not work out that way.

In the late 1700s, the Industrial Revolution began in England. Powered machines and factory time schedules replaced the natural rhythms of farm life. Men, women, and children labored at repetitive mechanical tasks, making goods that they did not own. For the first time, masses of people depended entirely on money wages to survive.



Karl Marx (1818–1883) was the founder of modern communism. He believed that economic forces, particularly struggles between economic classes, determined history. (Perry-Castañeda Library, University of Texas at Austin)

The era of capitalism was beginning. Landowners had dominated the old era. They gradually lost power. A new class of business people—merchants, bankers, and industrialists—rose to power.

During the early years of industrialization in England, workers had no say in what their wages or working conditions would be. The typical workday was 12 hours not counting meal times. Children under 10 commonly worked in the factories and coal mines.

Up to about the 1880s, worker living conditions were awful in English industrial cities such as Manchester. Entire families crowded into single-room apartments. Dirt, garbage, sewage, industrial wastes, foul air, and polluted water poisoned the environment. In the English industrial cities, 25 percent of all children under age 5 died of disease and malnutrition.

As the new industrial owners, called capitalists, gained more political power, the English Parliament repealed worker protection laws going back to the time of Queen Elizabeth I. New legislation made worker attempts to form labor unions illegal under criminal conspiracy laws.

The increasingly powerful capitalists pointed to the economic ideas of Adam Smith to support their vision of freedom. In 1776, the year the American Revolution began, Adam Smith had written *Wealth of Nations*, the first complete description of a new economic system called capitalism. Smith had called for the freedom of capitalists to operate their businesses as they saw fit with little interference from government.

(Continued on next page)

WORLD HISTORY

Ideas

Ideas matter. They influence how people act and are important in human history. The expression of ideas can even be worth money as intellectual property. This issue of *Bill of Rights in Action* looks at some historically important ideas and some issues surrounding intellectual property. The first article examines the ideas of Karl Marx, the architect of the theories of Communism. The second article explores the ideas of Social Darwinism espoused by Herbert Spencer, which had a significant impact on America in the late 19th century. The last article looks at current issues of intellectual property, focusing especially on downloading music from the Internet.

World History: Karl Marx: A Failed Vision of History

U.S. History: Social Darwinism and American Laissez-faire Capitalism

Current Issues: Copying Music and Movies from the Internet: "Digital Piracy" and "Fair Use"

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A German philosopher, Karl Marx came to live in England at the peak of its Industrial Revolution. He had a far different vision than Smith. He focused on the exploited and impoverished industrial workers.

The Alienated Worker

Karl Marx was born in 1818 in a part of Germany then called Prussia. As a young university student, he spent a lot of time drinking and getting into bar fights. He still managed to study hard.

Marx joined a group of students who studied the German philosopher, Georg Hegel. Hegel taught that every important idea (thesis) produced another idea that was its opposite (antithesis). The resulting conflict or struggle between them resulted in an entirely new idea (synthesis). Later in his career, Marx would build on Hegel's philosophy to explain how class struggle in history leads to a final, perfect society. Hegel had been idealist. He believed ideas shaped history. Marx, however, was a materialist. He believed economics shaped history.

Marx earned his doctor's degree in philosophy at age 23. For a brief time, he wrote for a German newspaper, attacking Prussian censorship laws. He also wrote philosophical essays.

In one of them, Marx coined one of his most memorable phrases, calling "religion the opium of the people." By this he meant that religion acts like a narcotic, easing the pain of the poor and oppressed in a "heartless world." But like a narcotic, it failed to cure the poverty and oppression. Although Marx's parents were born Jews, his father converted to Christianity. Marx was indifferent about religion all of his life.

In 1843, Marx married Jenny von Westphalen, the attractive daughter of a liberal-minded aristocratic father and middle-class mother. The young couple soon moved to Paris, where Marx found work as a journalist.

Paris was a hotbed of radical thinking. Marx dived into the study of economics. He reached the conclusion that the new industrial workers labored for wages that barely kept them alive while creating enormous wealth for their capitalist employers.

In 1844, Marx wrote that the worker was alienated, or separated, from the fruits of his own labor. To correct this injustice and achieve true freedom, Marx said the workers must first overthrow the capitalist system of private property. The workers would then replace capitalism with a communist economic system, in which they would own property in common and share the wealth they produced.

While in Paris, Marx befriended Friedrich Engels, also a German. Engels' father owned a share in several textile mills in Manchester, England. Although Engels worked in the family business, he soon began to publish works critical of capitalists.

Engels published a report on the dreadful conditions of the working class in England. "A horde of ragged women and children swarm about here," he wrote, "as filthy as the swine that thrive upon the garbage heaps and in the puddles."

In 1845, the French government expelled Marx for his political writings. Marx, his wife, and their year-old daughter moved to Brussels, Belgium, where Engels soon joined them.

Communist Manifesto

In Brussels, Marx and Engels joined a small radical workers' group and persuaded the members to name it the Communist League. The league then asked Marx and Engels to write a manifesto, a statement of the group's beliefs. During the winter of 1847–48, Marx did most of the writing of what became his most famous work: the *Communist Manifesto*.

"A specter is haunting Europe—the specter of Communism." This is how Marx began the *Communist Manifesto*. He went on to describe what he believed to be a scientific and economic explanation of how history had progressed in the past and would unfold in the future.

The history of society, Marx wrote, "is the history of class struggles." Marx attempted to show that throughout history one economic class always oppressed another: "Freeman and slave, patrician and plebeian, lord and serf, guildmaster and journeyman." But eventually the downtrodden class rose up, overthrew its masters, and created an entirely new society.

Marx wrote that the industrial capitalists and others using private property to make profits made up the oppressive class of his time. Marx called this class the bourgeoisie, which used its wealth and control over government to exploit the industrial working class. Marx named this class the proletariat.

According to Marx, the value of a product is based on the labor used to manufacture it. Marx pointed out that

workers' wages fell far short of the price of the products they made. This was because the capitalists made a profit on what they sold. Marx called the profit "surplus value" and thought that it exploited the workers. Marx said that capitalists had alienated the worker from the results of his labor, forcing him to become "enslaved by the machine." This exploitation, argued Marx, would soon bring about a new class struggle that would end with the "violent overthrow" of the bourgeoisie by the proletariat.

Smoke billowed from factories in Manchester, England, in the 19th century. Marx deplored the working conditions in these factories. (Corbis)

Marx described the Communists as those who best understood the class struggle. They would unify the proletariat, lead it in the revolution, and take control of the government.

During what Marx called the "socialist phase" of the revolution, the new proletarian government would confiscate all capitalist private property like factories, mines, farms, and other businesses. The government would then operate these enterprises for the benefit of the workers.

When the proletariat finally controlled economic production, Marx declared that all classes would disappear and class struggles would end. In this "communist phase," there would no longer be a need for a government.

Marx expected that the proletarian revolution would soon occur in Germany or England and then take place worldwide. He ended the *Communist Manifesto* with these rousing words:

> Let the ruling classes tremble at a Communistic revolution. The proletarians have nothing to lose but their chains. They have a world to win. Workers of the world unite!

A New Home In England

By the time Marx published the *Communist Manifesto* in 1848, worker uprisings had broken out in Germany and several other European countries. Marx and Engels moved to Germany where they wrote articles attacking the government. By 1849, however, the European governments had crushed all the revolts. Marx concluded that the revolts had been premature.

Expelled from Belgium and again from France, Marx took his wife and family to London, which remained his home for the rest of his life. In London, he gave lectures and wrote articles for newspapers (including Horace Greeley's *New York Tribune*). But he never held a steady job.

Harassed constantly by creditors and threatened with eviction, Marx appealed to Engels for financial support. Engels, who was working for his father's textile firm in Manchester, responded generously.

With help from Engels and some timely family inheritances, Marx supported his growing family. Marx adored his children and loved to make up stories to tell them. He was devastated when three of them died within a few years of one another, leaving three surviving daughters.

In between firing off numerous essays critical of other European radicals, Marx spent his time in the British Museum researching capitalism. In 1867, after many delays, distractions, and health problems, Marx finally published the first volume of *Capital*, a major analysis of capitalism and his most important work.

In *Capital*, Marx pointed out numerous contributions that capitalism had made to economic progress, especially in the area of technology. But he wrote that capitalism was doomed. He predicted that as capitalism developed, a small number of powerful monopolies would drive many enterprises out of business. To successfully compete against one another, these "cut throat" monopolies would reduce worker wages. Finally, a class struggle between the workers and the capitalists would bring on a revolution, replacing capitalism with communism.

Marx was quite vague in his description of society after the revolution. In an 1875 essay, he described the gov-

(Continued on next page)

ernment during the "socialist phase" as "the revolutionary dictatorship of the proletariat." But he stated that this dictatorship would act in the best interests of the workers and would gradually disappear.

Marx also expected that once the proletariat had taken control of all capitalist property, wealth would flow more abundantly for the benefit of all. Then in the "higher phase of communist society," individuals would finally be free to develop their abilities and talents to the fullest. Marx put it this way: "from each according to his ability, to each according to his needs."

In 1882, Marx published his last writing, a short preface to the Russian edition of the *Communist Manifesto*. Russia was mainly a rural peasant society with little industrial development. Thus, Marx had ignored it as lagging far behind in the march toward revolution. He now, however, admitted that the Russian peasants were at "the starting-point for a communist development."

Karl Marx died in London on March 14, 1883. Only 11 people showed up at the funeral. His lifelong friend and benefactor, Friedrich Engels, spoke at his graveside. Engels predicted that Marx's "name and work will endure through the ages." After Marx's death, Engels assembled Marx's notes and published volumes two and three of *Capital*.

"Everything Should Be Doubted"

Karl Marx is an important figure in philosophy, sociology, economics, and history. Marx developed a detailed explanation of the entire course of human events. For example, his theory of class struggle attempts to explain why and how human history develops. Marx also produced many insights as to how groups of people behave, how capitalism operates, and how technology sometimes has negative effects on workers.

But the proletarian revolution that Marx expected never happened in any advanced industrialized country. Contrary to Marx's predictions, economic conditions gradually improved for most workers in capitalist societies.

Marx also failed to anticipate major reforms like the expansion of the right to vote, laws abolishing child labor, social security, and the right of workers to join unions. Workers in capitalist countries seemed more interested in improving their wages and working conditions than in joining a revolution.

Of course, a communist revolution did occur in Russia in 1917. Vladimir Lenin, the first leader of the new Soviet Union, concentrated all power in the Communist Party. After Lenin, Joseph Stalin used violence and starvation to end private ownership of agricultural land, causing the death of millions of peasants. The Communist Party became a privileged ruling class, relying on force to stay permanently in control.

Karl Marx had a vision of a new just society based on economic plenty shared by all. Marx believed that in such a society individuals would achieve true freedom. But when the revolution finally came in Russia and later on in other countries, Marx's vision of freedom turned into tyranny.

Probably the greatest flaw in Marx's vision was his certainty that economic forces controlled history and flowed in only one inevitable direction. Perhaps he should have taken to heart his favorite motto: "Everything should be doubted."

For Discussion and Writing

1. Do you think Marx would have approved of communism in the Soviet Union under Lenin and Stalin? Explain.
2. Do you think it likely that a revolution as Marx described it could ever take place in the United States? Explain.
3. Which one of these forces do you think is influencing events the most in the world today: economics, nationalism, race and ethnicity, religion, or technology? Give reasons for your choice.

For Further Reading

Gottlieb, Roger S. *Marxism 1844–1990, Origins, Betrayal, Rebirth*. New York: Routledge, 1992.

Wheen, Francis. *Karl Marx, A Life*. New York: W. W. Norton, 2000.

ACTIVITY

What Is a Just Society?

1. The five panels described below include thinkers from world history. Each student should select one of these thinkers to research and role play during a panel discussion.

2. Each student should research the following things about his or her thinker: where and when the person lived; the key parts of the person's life; the main ideas the person held.
3. Each student, in the role of his or her character, should prepare a response to this question: What is a just society?
4. The panels, in turn, will present their discussions in front of the rest of the class:
   a. Each panel member, speaking in character, introduces who he or she is.
   b. Each panel member explains his or her vision of a just society.
   c. The panel members ask each other questions and debate what a just society is. Members of the rest of the class may also ask questions.
5. After all panels have presented their discussions, each student should write his or her own personal response to the question: What is a just society?

The Panels

Religious Leaders: Moses, St. Augustine, Siddhartha Gautama, Mohammed, Martin Luther, Mother Teresa

Revolutionaries & Reformers: Thomas Paine, Maximilien Robespierre, Vladimir Lenin, Mohandas Gandhi, Jane Addams, Martin Luther King

Political Visionaries: Machiavelli, Voltaire, Thomas Hobbes, Thomas Jefferson, Jeremy Bentham, Susan B. Anthony

Capitalists & Their Critics: Adam Smith, Thomas Malthus, John. D. Rockefeller Sr., Robert Owen, Eugene V. Debs, Emma Goldman

Critical Thinkers: Socrates, Frederick Douglass, Mark Twain, Chief Joseph, John Dewey, Rachel Carson

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Standards Addressed in This Edition of Bill of Rights in Action

National High School World History Standard 35: Understands patterns of nationalism, state-building, and social reform in Europe and the Americas from 1830 to 1914. Understands how different movements and ideas influenced society in the 19th century (e.g., . . . the essential ideas outlined in Marx and Engel's *Communist Manifesto* and their meaning in the context of late 19th-century economic, political, and social conditions)

California Social Studies Standard 10.3: Students analyze the effects of the Industrial Revolution in England, France, Germany, Japan, and the United States. (6) Analyze the emergence of capitalism as a dominant economic pattern and the responses to it, including Utopianism, Social Democracy, Socialism, and Communism.

California Social Studies Standard 11.2: Students analyze the relationship among the rise of industrialization, large-scale rural-to-urban migration, and massive immigration from Southern and Eastern Europe. (7) Analyze the similarities and differences between the ideologies of Social Darwinism and Social Gospel (e.g., using biographies of William Graham Sumner, Billy Sunday, Dwight L. Moody).

National Civics Standard 25: Understands issues regarding personal, political, and economic rights. Understands contemporary issues that involve economic rights such as . . . copyright . . . .

California Social Studies Standard 12.2: Students evaluate and take and defend positions on the scope and limits of rights and obligations as democratic citizens, the relationships among them, and how they are secured. (2) Explain how economic rights are secured and their importance to the individual and to society (e.g., . . . copyright and patent).

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Social Darwinism and American Laissez-faire Capitalism

British philosopher Herbert Spencer went a step beyond Darwin's theory of evolution and applied it to the development of human society. In the late 1800s, many Americans enthusiastically embraced Spencer's "Social Darwinism" to justify laissez-faire, or unrestricted, capitalism.

Herbert Spencer (1820–1903) applied Charles Darwin's ideas about evolution to society. He believed that keeping government limited would ensure the "survival of the fittest." (Perry-Castañeda Library, University of Texas at Austin)

In 1859, Charles Darwin published *Origin of Species*, which explained his theory of animal and plant evolution based on "natural selection." Soon afterward, philosophers, sociologists, and others began to adopt the idea that human *society* had also evolved.

The British philosopher Herbert Spencer wrote about these ideas even before Darwin's book was published. He became the most influential philosopher in applying Darwin's ideas to social evolution. Born in 1820, Herbert Spencer taught himself about the natural sciences. For a brief time, he worked as a railroad surveyor and then as a magazine writer. Spencer never married, tended to worry a lot about his health, and preferred work to life's enjoyments.

In 1851, he published his first book. He argued for laissez-faire capitalism, an economic system that allows businesses to operate with little government interference. A year later, and seven years before Darwin published *Origin of Species*, Spencer coined the phrase "survival of the fittest."

Darwin's theory inspired Spencer to write more books, showing how society evolved. With the financial support of friends, Spencer wrote more than a dozen volumes in 36 years. His books convinced many that the destiny of civilization rested with those who were the "fittest."

The "Fittest" and the "Unfit"

Herbert Spencer based his concept of social evolution, popularly known as "Social Darwinism," on individual competition. Spencer believed that competition was "the law of life" and resulted in the "survival of the fittest."

"Society advances," Spencer wrote, "where its fittest members are allowed to assert their fitness with the least hindrance." He went on to argue that the unfit should "not be prevented from dying out."

Unlike Darwin, Spencer believed that individuals could genetically pass on their learned characteristics to their children. This was a common, but erroneous, belief in the 19th century. To Spencer, the fittest persons inherited such qualities as industriousness, frugality, the desire to own property, and the ability to accumulate wealth. The unfit inherited laziness, stupidity, and immorality.

According to Spencer, the population of unfit people would slowly decline. They would eventually become extinct because of their failure to compete. The government, in his view, should not take any actions to prevent this from happening, since this would go against the evolution of civilization.

Spencer believed his own England and other advanced nations were naturally evolving into peaceful "industrial" societies. To help this evolutionary process, he argued that government should get out of the way of the fittest individuals. They should have the freedom to do whatever they pleased in competing with others as long as they did not infringe on the equal rights of other competitors.

Spencer criticized the English Parliament for "overlegislation." He defined this as passing laws that helped the workers, the poor, and the weak. In his opinion, such laws needlessly delayed the extinction of the unfit.

Spencer's View of Government

Herbert Spencer believed that the government should have only two purposes. One was to defend the nation against foreign invasion. The other was to protect citizens and their property from criminals. Any other government action was "over-legislation."

Spencer opposed government aid to the poor. He said that it encouraged laziness and vice. He objected to a public school system since it forced taxpayers to pay for the education of other people's children. He opposed laws regulating housing, sanitation, and health conditions because they interfered with the rights of property owners.

Spencer said that diseases "are among the penalties Nature has attached to ignorance and imbecility, and should not, therefore, be tampered with." He even faulted private organizations like the National Society for the Prevention of Cruelty to Children because they encouraged legislation.

In the economic arena, Spencer advocated a laissez-faire system that tolerated no government regulation of private enterprise. He considered most taxation as confiscation of wealth and undermining the natural evolution of society.

Spencer assumed that business competition would prevent monopolies and would flourish without tariffs or other government restrictions on free trade. He also condemned wars and colonialism, even British imperialism. This was ironic, because many of his ideas were used to justify colonialism. But colonialism created vast government bureaucracies. Spencer favored as little government as possible.

Spencer argued against legislation that regulated working conditions, maximum hours, and minimum wages. He said that they interfered with the property rights of employers. He believed labor unions took away the freedom of individual workers to negotiate with employers.

Thus, Spencer thought government should be little more than a referee in the highly competitive "survival of the fittest." Spencer's theory of social evolution, called Social Darwinism by others, helped provided intellectual support for laissez-faire capitalism in America.

Laissez-Faire Capitalism in America

Historians often call the period between 1870 and the early 1900s the Gilded Age. This was an era of rapid industrialization, laissez-faire capitalism, and no income tax. Captains of industry like John D. Rockefeller and Andrew Carnegie made fortunes. They also preached "survival of the fittest" in business.

American scholars like sociologist William Graham Sumner praised the new class of industrial millionaires. Sumner argued that social progress depended on the fittest families passing on their wealth to the next generation.

According to the Social Darwinists, capitalism and society itself needed unlimited business competition to thrive. By the late 1800s, however, monopolies, not competing companies, increasingly controlled the production and prices of goods in many American industries.

Workers' wages and working conditions were unregulated. Millions of men, women, and children worked long hours for low pay in dangerous factories and mines. There were few work-safety regulations, no worker compensation laws, no company pensions, and no government social security.

Although wages did rise moderately as the United States industrialized, frequent economic depressions caused deep pay cuts and massive unemployment. Labor union movements emerged, but often collapsed during times of high unemployment. Local judges, who often shared the laissez-faire views of employers, issued court orders outlawing worker strikes and boycotts.

Starting in the 1880s, worker strikes and protests increased and became more violent. Social reformers demanded a tax on large incomes and the breakup of monopolies. Some voiced fears of a Marxist revolution. They looked to state and federal governments to regulate capitalism. They sought legislation on working conditions, wages, and child labor.

Social Darwinism and the Law

Around 1890, the U.S. Supreme began aggressively backing laissez-faire capitalism. Supreme Court Justice Stephen J. Field asserted that the Declaration of Independence guaranteed "the right to pursue any lawful business or vocation in any manner not inconsistent with the equal rights of others . . . ."

The Supreme Court ruled as unconstitutional many state laws that attempted to regulate such things as working conditions, minimum wages for women, and

(Continued on next page)

child labor. The courts usually based their decisions on the Fifth and 14th amendments to the Constitution. These amendments prohibited the federal and state governments from depriving persons of "life, liberty, or property, without due process of law." (The Supreme Court interpreted "persons" as including corporations.)

In 1905, the U.S. Supreme Court used the "due process" reasoning to strike down a New York health law that limited the workweek of bakers to 60 hours. The majority of the justices held that this law violated the 14th Amendment's "liberty" right of employers and workers to enter into labor contracts. In a famous dissent, however, Justice Oliver Wendell Holmes criticized the majority decision. In a memorable phrase, he said: "The 14th Amendment does not enact Mr. Herbert Spencer's Social Statics [one of Spencer's books on Social Darwinism]." [*Lochner v. New York* 198 U. S. 45 (1905)]

Charles Darwin (1809–1882) was probably greatest scientist of the 19th century. Darwin's theory of evolution explained how species evolved over time. He did not believe in Social Darwinism. (Perry-Castañeda Library, University of Texas at Austin)

In 1890, reformers got Congress to pass the Sherman Antitrust Act. This law focused on "combinations" like monopolies (also called trusts). It banned them if they interfered with interstate commerce by eliminating competition and keeping the prices of goods high. When cases reached the Supreme Court, however, the justices largely ignored the control of consumer prices by monopolies. Instead, the justices focused on the behavior of "bad trusts" that used unfair tactics against competitors.

The Supreme Court limited the protest rights of labor unions in a 1911 case that outlawed some economic boycotts. The Supreme Court continued to make decisions that weakened unions until the 1930s.

Despite a hostile Supreme Court, Progressive Era reformers became increasingly successful in curbing the abuses of laissez-faire capitalism. For example, in 1906, Congress passed the Pure Food and Drug Act that prohibited companies from selling contaminated foods and misbranded drugs.

By 1912, both the federal government and many states had adopted Progressive reform legislation aimed at ending child labor and improving working conditions. That year saw three major candidates for president, all espousing Progressive ideas (Democrat Woodrow Wilson, Republican Howard Taft, and Progressive Theodore Roosevelt, who had broken from the Republicans because he believed Taft was not progressive enough). The idea of passing more laws to correct society's ills had replaced the Social Darwinist view that civilization best advanced when the "fittest" had their way while the "unfit" were allowed to die out. Americans had increasingly come to believe that society could choose its future, which might require government regulations on private enterprise.

In England, Herbert Spencer grew increasingly pessimistic as he witnessed a swelling tide of legislation that attempted to end the evils of industrialization and laissez-faire capitalism. Spencer died in 1903 and was buried in the same London cemetery as that great enemy of capitalism, Karl Marx.

For Discussion and Writing

1. Social Darwinists believed that society naturally evolved by individual competition and the "survival of the fittest." Do you agree or disagree? Why?
2. Do you agree or disagree with Herbert Spencer's view of government? Why?
3. Would you support laissez-faire capitalism in the United States today? Explain.

For Further Reading

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ACTIVITY

Abolish the Federal Estate Tax?

Some social critics today argue that the United States is in a new Gilded Age. As evidence of this, they point to the decrease in government regulation of industry, recent disclosures of corporate financial abuses, a weak union movement, and an increased concentration of wealth among a small percentage of Americans. A current controversy involves attempts to eliminate the federal estate tax.

The federal estate tax, first imposed during the Civil War, is a tax on inherited assets valued at more than $1 million. Called the "death tax" by its critics, this tax falls on the wealthiest 2 percent of American families. The highest tax rate for the largest estates is currently set at 55 percent.

Under President George W. Bush's 2001 tax cut law, the federal estate tax will gradually decrease until it ends completely in 2010. But this will not be permanent. In 2011, the estate tax will return at its 2001 rates.

Those in favor of permanently abolishing the federal estate tax make these arguments:

- The "death tax" is a form of government confiscation of wealth earned by individuals who have the right to pass it on to their heirs.
- Individuals who have already paid income and other taxes should not have their lifetime savings and property taxed again at death.
- This tax is not just a burden for rich individuals, but for the owners of family farms and businesses.
- It is unfair for the federal estate tax to be phased out and then restored to its 2001 rates in 2011.

Those opposed to permanently abolishing the federal estate tax make these arguments:

- Not taxing inheritances of extremely wealthy people will create a perpetual class of rich people. The American ideal is that people should earn their own wealth.
- Permanently abolishing the federal estate tax is nothing less than a tax break for billionaires.
- Ending the estate tax will worsen the current federal budget deficit and cost billions of dollars in lost revenue needed for Medicare, school, environmental, and other programs.
- Eliminating the estate tax in 2010 and after would cause a major drop in revenue just when huge numbers of workers will retire and will need Social Security.
- It is fair that the super rich, who benefit the most from the American economy, pay more taxes than less wealthy taxpayers.

What do you think is the fair thing to do?

Form small groups to discuss the following proposed federal estate tax laws. After the discussion, the members of each group should take a vote on what they believe is the fairest law. Each group should then report to the class the results and reasons for its vote, including minority views.

Proposed Federal Estate Tax Laws

1. Permanently and completely abolish the federal estate tax now.
2. Permanently abolish the federal estate tax after it phases out in 2010.
3. Restore the federal estate tax after 2010, but exempt family-owned farms and businesses, raise the value of taxable estates, and/or reduce the tax rate.
4. Restore the federal estate tax after 2010 at the 2001 tax rate (current law).
5. Permanently and completely restore the federal estate tax now at the 2001 tax rates.

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Copying Music and Movies from the Internet: "Digital Piracy" and "Fair Use"

Copying free digital music and movie files from the Internet has become easy and popular. Most of the copying violates current law. Should the law be changed?

- Joel, a high school student, uses a free Internet service that enables him to locate, download, and copy digital files containing copyrighted songs and music of his favorite singers and bands.
- Maria, a university student, bypasses the security system on the copyrighted movie DVDs she has purchased. She makes digital copies of the DVDs on her computer and trades them with her classmates over the university's high-speed network.

Did Joel or Maria do anything illegal? In Joel's case, he violated copyright law by copying music on his computer without paying for it or getting permission from the copyright owners. In Maria's case, she violated a recent copyright law that prohibits anyone from tampering with security devices on DVDs.

Both these cases illustrate cases of stealing called "digital piracy." Some, however, argue that copyright laws have gone too far and that consumers should have greater "fair use" rights to access and reproduce copyrighted works.

CURRENT ISSUES

Basic Copyright Rules

Copyright law attempts to reward creators of works of art and to encourage them to create more works. It gives the creator of an original work the "exclusive right" to reproduce, sell, and distribute copies of it. For example, if a person writes a book or a song, others may not sell the book or song without the author's consent. In effect, the law grants to creators a monopoly that rewards them for their original works and motivates them to produce more. The copyright exists for a limited time. After that, the work falls into the public domain and anyone may copy it.

Joe Heller/*Green Bay Press-Gazette*

The founders of the United States recognized the importance of copyright. Article I, Section 8, of the Constitution states: "Congress shall have the power . . . To promote the Progress of . . . useful Arts, by securing for limited Times to Authors . . . the exclusive Right to their . . . Writings . . . ." In 1790, Congress passed and President Washington signed the nation's first copyright law "for the encouragement of learning."

Copyrighted materials must be "original works of authorship." Original works of writing, music, film, technology, and other creative areas are "intellectual property" that people own and may copyright. Copyrighted works must be recorded in a "fixed" medium. This can be a printed document, audio recording, video, film, or other medium. Although no one may copyright facts or ideas, authors may copyright their expression of them.

Once people record their original works in some "fixed" medium, the works are automatically copyrighted. For enhanced protection, creators may register their works at the U.S. Copyright Office.

Currently, the law sets the length of most copyrights to the lifetime of the author plus 70 years (a total of 95 years for movies). After that, the work goes into the public domain and anyone may copy and distribute it.

Copying or distributing copyrighted work without permission is called "copyright infringement." The copyright owner may sue an infringer in civil court for lost sales and other money damages. In addition, the government may prosecute infringers in criminal court for violating U.S. copyright laws.

Courts have long recognized a "fair use" exception to copyright law. For example, over the years courts ruled that individuals may copy limited amounts of copyrighted material for critical reviews, news reporting, research, and teaching. Congress wrote the concept of fair use into the 1976 Copyright Act. Congress noted that no clear definition of fair use is "possible, and each case raising the question must be decided on its own facts." The law gives courts four factors to consider in determining whether something is fair use:

(1) The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes.

(2) The nature of the copyrighted work.

(3) The amount and substantiality of the portion used in relation to the copyrighted work as a whole.

(4) The effect of the use upon the potential market for or value of the copyrighted work.

Music Copyrights

The nation's first copyright law protected only books, maps, and charts. A work could be protected by copyright for no more than 28 years. Then it went into the public domain. Congress added copyright protection for published sheet music in 1831. In 1909, Congress gave composers the exclusive right to make sound recordings. But after a composer has made a sound recording, the law gives others permission to make a recording of the work if they pay the composer a set fee.

When tape recorders brought on the first wave of mass music piracy, Congress in 1972 outlawed copying copyrighted sound recordings. The new law, however, allowed consumers to make audiotape copies of original sound recordings for "home use." Home use was considered a form of fair use.

Starting in the early 1990s, MP3 computer software, freely available on the Internet, enabled users easily to make perfect digital copies of CDs and online music files. Some argue that it is fair use for a person who legally acquires a CD or online music file to copy it for personal purposes.

Many people, however, began to download music from various unauthorized web sites and then "share" it with others on the Internet. This violated the copyright of music composers, publishers, and recording companies to reproduce and distribute their works.

The Napster Case

Napster was an online company that developed a free service, enabling users to locate and download MP3 music files and share them with others. By 1999, Napster users were sharing 10,000 MP3 music files per second over the Internet.

In 2000, major recording companies, music publishers, and a few rock bands joined to sue Napster for massive copyright infringement. These plaintiffs charged that Napster facilitated wholesale illegal copying that cut CD sales and undermined plans to sell music online.

Napster argued that it had no way of knowing if its users were engaged in any illegal activity. Napster also claimed that copying music on the Internet for personal use was similar to home audio and video taping, which are fair-use exceptions to copyright infringement.

Before trial, the federal judge in the case ordered Napster to block all files containing unauthorized copyrighted works. When Napster could not do this, the judge ordered the company to disable its file-sharing service pending the outcome of the trial. But Napster went out of business by mid-2002, and the case never went to trial.

So far, neither Congress nor the Supreme Court has acted to specifically outlaw Napster-like file sharing. As a result, new free file-sharing services, financed mainly by advertising, have appeared on the Internet to replace Napster.

Movie Copyrights

Congress granted movies copyright protection in 1912. In the 1970s, the movie industry tried to stop people from copying films on video recorders. Consumers won a victory in 1984 when the U.S. Supreme Court exempted video "home recording" from copyright infringement, another example of fair use.

Recently the movie industry has installed a security code on most DVDs. It prevents copying them on VCRs and computers. Although the Digital Millennium Copyright Act of 1998 makes it illegal to do so, hackers can bypass the security code. This allows digital copying and transmission of unauthorized DVD movies over the Internet.

Digital Piracy and Fair Use

Today, downloading and copying CD and DVD digital files from U.S. and foreign Internet web sites are as popular as ever. Because of digital piracy, say music

(Continued on next page)

industry representatives, CD sales have sharply fallen. Similarly, the motion picture industry reports that Internet users download 350,000 movies every day, depressing DVD sales.

Alain Levy of EMI Recorded Music fears, "We are allowing a whole generation to believe that recorded music should be free." If this view should prevail, Levy and others doubt many would invest in the expensive recruitment, tours, and marketing of new music talent. Jack Valenti, chairman of the Motion Picture Association of America, says bluntly, "When you take what is not yours and not freely offered, you are stealing."

Major music recording companies are just beginning to sell music at reduced prices over the Internet. The movie industry will undoubtedly follow as soon as high-speed Internet connections become more common. But music executive Miles Copeland wonders, "How do you compete with free?"

While not defending digital piracy, critics of Hollywood and the major recording labels say that there should be more fair use of copyrighted works. According to fair-use advocates, consumers should have the right to make copies of their CDs and DVDs so they can play them at home, at work, in the automobile, and on portable devices. In addition, users may need backup copies to restore lost, stolen, or damaged discs. Supporters of more fair use also say that music fans should have the right to download and copy "sample" songs to help them decide if they want to buy entire albums.

The Length of Copyright Protection

Another current issue involves the length of copyright protection. In 1998, Congress passed the Copyright Term Extension Act. It extended copyright protection for 20 additional years. This means copyright protection now lasts 70 years after the author's death.

Critics called the law the "Mickey Mouse Extension Act," because Disney's character Mickey Mouse had been scheduled to go into the public domain in 2003. The entertainment industry, including Disney, had pushed for the copyright extension law.

Stanford University law professor Lawrence Lessig challenged the law in a case that went before the U.S. Supreme Court. Lessig pointed out that the Constitution gave Congress the power to issue copyright protection for "limited times" only. He argued, among other things, that existing copyrights are not limited if they can be continually extended by Congress. In 2003, however, the U.S. Supreme Court in a 7–2 ruling held that the law did not violate the Constitution. [*Eldred v. Ashcroft*] The court noted: "History reveals an unbroken congressional practice of granting to authors of works with existing copyrights the benefit of term extensions so that all under copyright protection will be governed evenhandedly under the same regime."

The debate, however, continues over whether copyright protection should last so long. Many urge Congress to shorten the protection. They point out that the purpose of copyright is to reward the creator of a work and to encourage more works. They say that copyrights now last so long that the creators of these works are long dead and the benefits go to enrich media giants. Lessig says: "We now have an incredible concentration of copyrights in a few entities. Never has there been a point where more of our culture has been controlled by fewer people."

Lessig argues that Americans have less access to artistic works and information. He points out that only "2 percent of work 75 years old is currently exploited commercially. . . ." He says it could be put on the Internet except for copyright restrictions. But, he says, "Congress's practice is to extend protection generally. It cannot see beyond this 2 percent—for among other things, the 2 percent includes Mickey."

Supporters of copyright extension point out that the European Union and other countries have adopted the life plus 70 years formula for copyrights. They say that it is becoming the international standard. They argue that American copyright holders deserve the same protection.

Valenti points out that copyrighted material is an important asset. He says: "Intellectual property, consisting of the core copyright industries, movies, TV programs, home video, books, musical recordings and computer software comprise almost 4 percent of the nation's Gross Domestic Product, gather in some $45 billion in revenues abroad, and has grown its employment at a rate of four times faster than the annual rate of growth of the overall U.S. economy. Whatever shrinks that massive asset is **not** in America's interests."

For Discussion and Writing

1. Do you see any difference between unauthorized downloading of copyrighted music from the

Internet and shoplifting CDs from a store? Explain.

2. What is fair use? Look at the guidelines for courts and examples of fair use in the article. Decide whether each of the following is fair use or copyright infringement:
   a. Burning copies of purchased CDs to use at home or in a car.
   b. Sharing copies of purchased CDs and DVDs over the Internet.
   c. Copying "sample" music album singles from unauthorized web sites for personal use.
   d. Setting up a web site, financed by advertising, that distributes free unauthorized copies of CDs and DVDs.
3. How would you have decided the Napster case had it gone to trial? Give reasons for your decision.
4. Do you think the current length of copyright protection is reasonable? Explain.

ACTIVITY

Should File Sharing of Music and Movies Over the Internet Be Allowed by Law?

In this activity, student role play members of a congressional committee considering the following statute: **It is hereby established as fair use for people to share copies of purchased music CDs with others over the Internet. The sharing must be for noncommercial purposes only.**

Divide into small groups. Each group will be a congressional committee. Each committee should do the following:

1. Make a list of the pros of the proposed statute.
2. Make a list of the cons of the proposed statute.
3. Discuss the statute. (Use information from the article, consider the pros and cons you have listed, and look at the brief arguments below.)
4. Decide whether you favor or oppose the statute. Be prepared to report back to the class on your decision and the reasons for it.
5. Have the groups report back, discuss the issue, and hold a vote.

Some Arguments on Both Sides

From the Free Music Philosophy website: "Free Music means that any individual has the freedom of copying, distributing, and modifying music for personal, noncommercial purposes. . . . [S]omething that can be copied arbitrarily many times, like music, should be set free. . . . Musicians currently make money through a variety of sources: sales of records, merchandise and concert tickets, and royalties from commercial airplay. Freeing music will certainly not be detrimental to the sales of merchandise and concert tickets, nor will it affect compulsory or performance royalties. If anything, it will improve sales since people will continue supporting artists they like by going to their concerts and buying their merchandise. Profits from record sales will also not be affected because people will be encouraged to buy directly from the artist for the added bonuses of liner notes, lyrics sheets, and packaging."

Phil Galdston, Grammy Award-winning composer, lyricist, and music publisher from the MusicUnited.org web site: "Our livelihood is seriously and negatively impacted by unauthorized downloading of our work through peer-to-peer networks. . . . Every time someone downloads a song of mine without my permission, I am losing all that follows from it: the ability to support my family, the capital needed to continue to re-invest in my business, and the economic incentive to continue to create. . . . [M]usic is only in the air because my colleagues and I, through inspiration, hard work, and perseverance, have put it there. We are due our just compensation for its use, including via download. Just as importantly, as individual creators, we are entitled to decide when and how it may be downloaded. All of this is about the basic principles of private property—principles that I have to believe most of those promoting or excusing or defending unauthorized peer-to-peer downloads would defend in any other situation."

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CONSTITUTIONAL RIGHTS FOUNDATION

PostScript

RESOURCES AND MATERIALS FOR CIVIC EDUCATION

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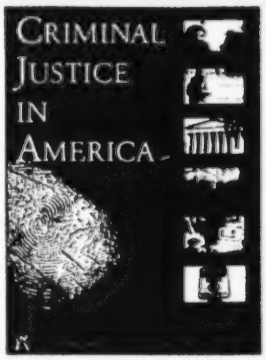

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BILL OF RIGHTS IN ACTION

SUMMER 2003 VOLUME 19 NUMBER 3

Three Visions for African Americans

In the early years of the 20th century, Booker T. Washington, W. E. B. Du Bois, and Marcus Garvey developed competing visions for the future of African Americans.

Civil War Reconstruction failed to assure the full rights of citizens to the freed slaves. By the 1890s, Ku Klux Klan terrorism, lynchings, racial-segregation laws, and voting restrictions made a mockery of the rights guaranteed by the 13th, 14th, and 15th amendments, which were passed after the Civil War.

The problem for African Americans in the early years of the 20th century was how to respond to a white society that for the most part did not want to treat black people as equals. Three black visionaries offered different solutions to the problem.

Booker T. Washington (1856-1915) was the head of the Tuskegee Institute. To improve the lot of African Americans, he favored job training and economic independence instead of political action. (Perry-Castaneda Library, University of Texas)

Booker T. Washington argued for African Americans to first improve themselves through education, industrial training, and business ownership. Equal rights would naturally come later, he believed. W. E. B. Du Bois agreed that self-improvement was a good idea, but that it should not happen at the expense of giving up immediate full citizenship rights. Another visionary, Marcus Garvey, believed black Americans would never be accepted as equals in the United States. He pushed for them to develop their own separate communities or even emigrate back to Africa.

Booker T. Washington

Booker T. Washington was born a slave in Virginia in 1856. Early on in his life, he developed a thirst for reading and learning. After attending an elementary school for African-American children, Washington walked 500 miles to enroll in Hampton Institute, one of the few black high schools in the South.

Working as a janitor to pay his tuition, Washington soon became the favorite pupil of Hampton's white founder, General Samuel Chapman Armstrong. Armstrong, a former Union officer, had developed a highly structured curriculum, stressing discipline, moral character, and training for practical trades.

Following his graduation from Hampton, for a few years Washington taught elementary school in his hometown. In 1880, General Armstrong invited him to return to teach at Hampton. A year later, Armstrong nominated Washington to head a new school in Tuskegee, Alabama, for the training of black teachers, farmers, and skilled workers.

(Continued on next page)

U S HISTORY

Controversies

This issue of *Bill of Rights in Action* examines three controversial issues that resonate today. The first article looks at competing visions put forward by three African American leaders at the turn of the 20th century: W. E. B. Dubois, Booker T. Washington, and Marcus Garvey. The second article explores the Armenian genocide that took place during World War I, which still generates charges and counter charges between Turks and Armenians. The last article looks at the Bush Doctrine, a controversial change in American foreign policy.

U.S. History: Three Visions for African Americans

World History: "Forgotten Genocide": The Destruction of the Armenians During World War I

Current Issues: The Bush Doctrine

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Washington designed, developed, and guided the Tuskegee Institute. It became a powerhouse of African-American education and political influence in the United States. He used the Hampton Institute, with its emphasis on agricultural and industrial training, as his model.

Washington argued that African Americans must concentrate on educating themselves, learning useful trades, and investing in their own businesses. Hard work, economic progress, and merit, he believed, would prove to whites the value of blacks to the American economy.

W. E. B. Dubois (1868–1963) helped found the NAACP and saw political action as the best hope to improve the lives of African Americans. (National Archives and Records Adminstration)

Washington believed that his vision for black people would eventually lead to equal political and civil rights. In the meantime, he advised blacks to put aside immediate demands for voting and ending racial segregation.

In his famous address to the 1895 Cotton States and International Exposition in Atlanta, Georgia, Washington accepted the reality of racial segregation. He insisted, however, that African Americans be included in the economic progress of the South.

Washington declared to an all-white audience, "In all things social we can be as separate as the fingers, yet one as the hand in all things essential to mutual progress." Washington went on to express his confidence that, "No race that has anything to contribute to the markets of the world is long in any degree ostracized [shut out]."

White Americans viewed Washington's vision as the key to racial peace in the nation. With the aid of white philanthropists such as Andrew Carnegie, Washington's Tuskegee Institute and its philosophy of economics first and equal rights later thrived.

Recognized by whites as the spokesman for his people, Washington soon became the most powerful black leader in the United States. He had a say in political appointments and which African-American colleges and charities would get funding from white philanthropists. He controlled a number of newspapers that attacked anyone who questioned his vision.

Washington considered himself a bridge between the races. But other black leaders criticized him for tolerating racial segregation at a time of increasing anti-black violence and discrimination.

Washington did publicly speak out against the evils of segregation, lynching, and discrimination in voting. He also secretly participated in lawsuits involving voter registration tests, exclusion of blacks from juries, and unequal railroad facilities.

By the time Booker T. Washington died in 1915, segregation laws and racial discrimination were firmly established throughout the South and in many other parts of the United States. This persistent racism blocked the advancement of African Americans.

W. E. B. Du Bois

W. E. B. Du Bois was born in Massachusetts in 1868. He attended racially integrated elementary and high schools and went off to Fiske College in Tennessee at age 16 on a scholarship. Du Bois completed his formal education at Harvard with a Ph.D. in history.

Du Bois briefly taught at a college in Ohio before he became the director of a major study on the social conditions of blacks in Philadelphia. He concluded from his research that white discrimination was what kept African Americans from good-paying jobs.

In 1897, two years after Booker T. Washington's "Atlanta Address," Du Bois wrote, "We want to be Americans, full-fledged Americans, with all the rights of American citizens." He envisioned the creation of an elite group of educated black leaders, "The Talented Tenth," who would lead African Americans in securing equal rights and higher economic standards.

Du Bois attacked Washington's acceptance of racial segregation, arguing that this only encouraged whites to deny African Americans the right to vote and to undermine black pride and progress. Du Bois also criticized Washington's Tuskegee approach as an attempt

"to educate black boys and girls simply as servants and underlings."

Lynchings and riots against blacks led to the formation in 1909 of the National Association for the Advancement of Colored People (NAACP), an organization with a mainly black membership. Except for Du Bois who became the editor of the organization's journal, *The Crisis*, the founding board of directors consisted of white civil rights leaders.

Marcus Garvey (1887–1940) favored separation of the races and even began a "back to Africa" movement. (National Archives and Records Adminstration)

The NAACP used publicity, protests, lawsuits, and the editorial pages of *The Crisis* to attack racial segregation, discrimination, and the lynching of blacks. Booker T. Washington rejected this confrontational approach, but by the time of his death in 1915 his Tuskegee vision had lost influence among many African Americans.

By World War I, Du Bois had become the leading black figure in the United States. But he became disillusioned after the war when white Americans continued to deny black Americans equal political and civil rights. During the Great Depression of the 1930s, Du Bois increasingly advocated socialist solutions to the nation's economic problems. He also questioned the NAACP's goal of a racially integrated society. This led to his resignation as editor of *The Crisis* in 1934.

Du Bois grew increasingly critical of U. S. capitalism and foreign policy. He praised the accomplishments of communism in the Soviet Union. In 1961, he joined the U.S. Communist Party. Shortly afterward, he left the country, renounced his American citizenship, and became a citizen of Ghana in Africa. He died there at age 95 in 1963.

Du Bois never took part in the black civil rights movement of the 1950s and 60s, which secured many of the rights that he had fought for during his lifetime.

Marcus Garvey

Marcus Garvey, the third major black visionary in the early part of the 20th century, was born in Jamaica in 1887. He founded his Universal Negro Improvement Association (UNIA) in 1914.

UNIA stressed racial pride and self-improvement, much like the views of Booker T. Washington whom Garvey admired. Garvey, however, had greater international ambitions, including the development of worldwide black-owned industries and shipping lines. He also called for the end of white colonial rule in Africa.

At the invitation of Washington, Garvey traveled to the United States in 1916. He soon established his UNIA in New York City, opened a restaurant, and started a newspaper. In 1919, he formed the Black Star Line, the first black-owned shipping company in the United States.

The publicity over the Black Star Line caused great excitement among black Americans, many of whom bought stock in it. Garvey organized huge parades to promote this and other UNIA projects. He often appeared in a colorful uniform, wearing a plumed hat.

In 1920, over 20,000 people attended Garvey's first UNIA convention in New York. The convention produced a "Declaration of Negro Rights," which denounced lynchings, segregated public transportation, job discrimination, and inferior black public schools. The document also demanded "Africa for the Africans." Without actually consulting any African people, the convention proclaimed Garvey the "Provisional President of Africa."

Garvey believed that white society would never accept black Americans as equals. Therefore, he called for the separate self-development of African Americans within the United States.

The UNIA set up many small black-owned businesses such as restaurants, groceries, a publishing house, and even a toy company that made black dolls. Garvey's goal was to create a separate economy and society run for and by African Americans.

Ultimately, Garvey argued, all black people in the world should return to their homeland in Africa, which should be free of white colonial rule. Garvey had grand plans for settling black Americans in Liberia, the only country in Africa governed by Africans. But, Garvey's

(Continued on next page)

UNIA lacked the necessary funds and few blacks in the United States indicated any interest in going "back to Africa."

A poor economy and the near-bankruptcy of the Black Star Line caused Garvey to seek more dues-paying members for the UNIA. He launched a recruitment campaign in the South, which he had ignored because of strong white resistance.

In a bizarre twist, Garvey met with a leader of the Ku Klux Klan in Atlanta in 1922. Garvey declared that the goal of the UNIA and KKK was the same: completely separate black and white societies. Garvey even praised racial segregation laws, explaining that they were good for building black businesses. Little came of this recruitment effort. Criticism from his followers grew.

In 1922, the U.S. government arrested Garvey for mail fraud for his attempts to sell more stock in the failing Black Star Line. At his trial, the evidence showed that Garvey was a poor businessman, but the facts were less clear about outright fraud. The jury convicted him anyway, and he was sentenced to prison.

In 1927, President Calvin Coolidge commuted his sentence, and he was released. The government immediately deported him to Jamaica.

His vision for black separatism and "back to Africa" never caught on with most African Americans, and he and his spectacular movement soon faded away. Garvey died in 1940, an almost forgotten man.

*****

The visions of Washington, Du Bois, and Garvey all fell short of settling the future of black people in American society. In the mid-20th century, new leaders emerged to guide the civil rights movement. Martin Luther King Jr. and others pursued a strategy of passive non-violence to overcome segregation in the South. Leaders of the NAACP, such as Thurgood Marshall, pushed forward legal cases to end segregation. Some took more militant stands. The Black Muslims led by Elijah Muhammad advocated separation. Malcolm X broke from the muslims and founded a rival organization opposing separation. The Black Panthers led by Huey Newton prepared for revolution. Today, new black leaders continue to struggle among themselves over the best way for African Americans to improve their lives.

For Discussion and Writing

1. Compare the visions for African Americans of Booker T. Washington, W. E. B. Du Bois, and Marcus Garvey.
2. Write an editorial that critiques the vision of Washington, Du Bois, or Garvey.
3. Considering the state of race relations in the United States in the early years of the 20th century, what do you think was the best way for black people to improve their lives as American citizens? Why?

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A C T I V I T Y

African American Leaders Today

Just as Washington, Du Bois, and Garvey differed in their visions for black people, African American leaders today do not all hold one viewpoint. Form the class into sets of two students. Each set will research one of the following current African American leaders:

Julian Bond	Kweisi Mfume
Ward Connerly	Carol Moseley-Braun
Marian Wright Edelman	Colin Powell
Myrlie Evers-Williams	Condoleezza Rice
Louis Farrakhan	Al Sharpton
Jesse Jackson Sr.	Clarence Thomas
Coretta Scott King	J. C. Watts Jr.
John Lewis	Andrew Young

1. One student in each set should research the life and accomplishments of the African-American leader. The other student should research the leader's ideas and views on current issues such as affirmative action, reparations for slavery, hate crimes, housing, tax policy, foreign affairs, or other matters important to him or her.
2. The students should write a report and give a brief oral presentation, highlighting the life and ideas of the African American leader they have researched.

Standards Addressed in This Edition of Bill of Rights in Action

National High School U.S. History Standard 20: Understands how Progressives and others addressed problems of industrial capitalism, urbanization, and political corruption. (3) Understands how the Progressive movement influenced different groups in American society (e.g., . . . the founding of the NAACP . . .) (4) Understands how racial and ethnic events influenced American society during the Progressive era.

California Social Studies Standard 11.5: Students analyze the major political, social, economic, technological, and cultural developments of the 1920s. (2) Analyze the international and domestic events, interests, and philosophies that prompted attacks on civil liberties, including . . . Marcus Garvey's "back-to-Africa" movement, the Ku Klux Klan . . . and the responses of organizations such as the . . . National Association for the Advancement of Colored People . . . to those attacks.

National High School World History Standard 39: Understands the causes and global consequences of World War I. Understands the human cost and social impact of World War I.

California Social Studies Standard 10.5: Students analyze the causes and course of the First World War. (5) Discuss human rights violations and genocide, including the Ottoman government's actions against Armenian citizens.

National U.S. History Standard 27: Understands how the Cold War and conflicts in Korea and Vietnam influenced domestic and international politics. Understands U.S. foreign policy from the Truman administration to the Johnson administration . . . .

National U.S. History Standard 30: Understands developments in foreign policy and domestic politics between the Nixon and Clinton presidencies. (5) Understands the influence of U.S. foreign policy on international events from Nixon to Clinton (e.g., . . . foreign policy in the post-Cold War era; U.S. goals and objectives in the Middle East; the pros and cons of U.S. intervention in the Persian Gulf . . .)

California Social Studies Standard 11.9: Students analyze U.S. foreign policy since World War II. (2) Understand the role of military alliances, including NATO . . . , in deterring communist aggression and maintaining security during the Cold War. (3) Trace the origins and geopolitical consequences . . . of the Cold War and containment policy, including the following: . . . . The Truman Doctrine . . . . (6) Describe U.S. Middle East policy and its strategic, political, and economic interests, including those related to the Gulf War . . . .

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"Forgotten Genocide": The Destruction of the Armenians During World War I

The first attempt in the 20th century to destroy an entire people occurred when the government of Turkey ordered executions and mass deportations of about 1 million Armenians during World War I.

According to a U.N. report, at least 1 million Armenians died when they were forced to leave Turkey during the First World War. (© Armenian National Institute (www.armenian-genocide.org). Elder Photo Collection.)

As early as 1000 B.C., the Armenian people began to develop a distinctive culture in southwestern Asia. Today, the historic Armenian homeland includes eastern Turkey, northern Iran, and the small country of Armenia recently formed out of the old Soviet Union.

In A.D. 301, St. Gregory the Illuminator converted the Armenians to Christianity, making them the first Christian nation in the world. Despite being conquered by Muslim Arabs in A.D. 645 and absorbed by the Muslim Ottoman Empire in the 1500s, the Armenians remained a Christian people.

At its height, the Ottoman Empire was vast. It included all of modern Turkey, surrounded the Black Sea, went east to the Persian Gulf, extended along the southern Mediterranean to Algiers, and traveled west to include modern-day Greece, Bulgaria, and much of Yugoslavia.

WORLD HISTORY

Along with other religious minorities such as the Jews, the Christian Armenians became second-class subjects within the Ottoman Empire. They were tolerated, but only Muslims enjoyed full equality under Islamic law. The Armenians and other religious minorities paid special taxes, could not give testimony in Islamic courts, and were not allowed to carry weapons. These and other forms of discrimination denied the equal protection of the law to non-Muslims in the Ottoman Empire.

In the 18th and 19th centuries, the power of the Ottoman Empire declined. Its government tried to reform the system to prop up the empire. In 1856, the emperor decreed that all subjects, regardless of religion, had equal rights.

Yet the empire continued to shrink. Revolutions and wars caused it to lose Greece and other possessions in Europe. In 1876, Sultan Abdul Hamid II ascended to the Ottoman throne. Sultan Hamid was determined to restore the power and glory of his empire. To do so, he believed he had to deal with religious minorities such as the Armenians, who were making increasing demands for legal reforms and even independence.

Hamid attempted to undermine the Christian Armenians' power by directing Muslim refugees, fleeing from Bulgaria and other former Ottoman possessions in Europe, to settle in the Armenian homeland. The sultan also encouraged the nomadic Muslim Kurds to settle in Armenian areas.

The large migration of Muslims into traditionally Christian Armenian lands resulted in widespread conflict. The new Muslim immigrants, backed by the government, confiscated huge amounts of Armenian land.

In 1894, Sultan Hamid falsely charged the Armenians with rebelling against his authority. He then allowed attacks against the Armenian people by local Muslims backed up the Ottoman army. Over a two-year period, up to 200,000 Armenians were massacred or died of starvation.

Apparently, the sultan's purpose was not to exterminate the Christian Armenian minority, but to permanently end its demands for equal rights. Even so, many historians have noted that the massacres of 1894–96

provided a precedent for the genocide that took place 20 years later.

The Rise of the "Young Turks"

In 1908, a group of intellectuals and military leaders overthrew Sultan Hamid II and took power. Representing the Turkish-speaking core of the old Ottoman Empire, the rebels became known as the "Young Turks."

The top Young Turk leaders, Mehmet Talaat, Ismail Enver, and Ahmed Jemal, pushed a policy of "Pan-Turkism." The old multi-cultural Ottoman Empire had wanted only to dominate religious and other minorities. The new regime sought to achieve an exclusively Muslim and Turkish-speaking nation.

The Armenians, with their different religion and language, occupied much of eastern Turkey and numbered over 2 million persons. Clearly, they were an obstacle to the nation that the Young Turks intended to build. In 1910, the Young Turk political party labeled the Armenians as enemies of the Muslims of Turkey.

In 1914, Turkey entered World War I on the side of Germany. The Young Turks hoped the Germans would help them defeat the Russians in Central Asia, enabling Turkey to acquire new areas of Turkish-speaking peoples. But a Turkish military offensive against Russia in 1914–15 ended in disaster for the Turks, who accused the Armenians in Turkey of aiding the Russians.

Turkey drafted tens of thousands of young Armenian men into its army, but soon segregated them into "work brigades." Then, in an ominous sign of what was to come, the Young Turk government ordered their mass execution by fellow Muslim soldiers.

On April 24, 1915, Turkish authorities arrested several hundred Armenian political, cultural, and religious leaders in Constantinople, the capital of Turkey. The government imprisoned and then executed this elite group of Armenians. Each year, Armenians around the world commemorate April 24 as the beginning of the Armenian Genocide.

The Armenian Genocide

In June 1915, the Turkish government ordered the deportation of all remaining Armenians from Turkey into the deserts of Syria and Iraq to the south. During the deportation, some Turks, Kurds, Arabs, and government officials aided and even hid Armenian families. But most of the Muslim population cheered the expulsion of Turkey's largest Christian minority group.

When the Turkish authorities assembled Armenian villagers for deportation, they often immediately shot to death any able-bodied adult males. The women, children, and elderly men were then forced to travel hundreds of miles, mainly on foot, into the southern deserts. The Turkish government provided them with little food, water, shelter, or protection.

Along the way, outlaws, local people, and even the police guarding the deportees attacked, robbed, raped, and murdered them at will. Minister of War Enver created a paramilitary unit called the "Special Organization," made up mainly of convicted criminals released from prison. Their mission was simply to attack and kill Armenians.

Kurdish horsemen also raided the Armenians, robbing them and sometimes taking women and children as slaves. The Turkish government did little to discourage such acts.

The Reverend F. H. Leslie, an American missionary in Urfa, a city in southeast Turkey, wrote:

> For six weeks we have witnessed the most terrible cruelties inflicted upon the thousands . . . daily passing through our city from the northern cities. All tell the same story . . .: their men were all killed on the first day's march from their cities, after which the women and girls were constantly robbed . . . and beaten, criminally abused and abducted along the way. Their guards . . . were their worst abusers but also allowed the baser element in every village . . . to abduct the girls and women and abuse them. We not only were told these things but the same things occurred right here in our own city before our very eyes and openly on the streets.

The forced deportation of hundreds of thousands of Armenians led to their mass destruction by murder, starvation, and disease. At most, 25 percent of those who were forced to leave Turkey reached Syria and Iraq. But most of these people were finally massacred or left to die of thirst in the desert.

At times, the Armenians resisted. In 1915 on a mountain called Musa Dagh (Mt. Moses), located on Turkey's southern Mediterranean coast, Armenian villagers defied the government's deportation order and

(Continued on next page)

took up defensive positions on the mountain slopes. For 53 days, they fiercely fought against the Turkish army. Finally, more than 4,000 Armenian men, women, and children escaped by ships to Egypt where they lived in refugee camps until the end of the war.

Many foreigners witnessed the destruction of the Armenians, including diplomats and missionaries. In May 1915, Great Britain, France, and Russia jointly issued this warning to the Young Turk government:

> In view of these new crimes of Turkey against humanity and civilization, the Allied governments announce publicly . . . that they will hold personally responsible [for] these crimes all members of the . . . government and those of their agents who are implicated in such massacres.

On July 16, U.S. Ambassador to Turkey Henry Morgenthau cabled the State Department that the deportations were increasing and "a campaign of race extermination is in progress."

Abandoned After the War

On the losing side at the end of World War I, Young Turk leaders Talaat, Enver, and Jemal fled the country. A new sultan, hostile to the Young Turk regime, formed a temporary government. He set up military courts to try members of the Young Turk government for war crimes. Talaat, Enver, and Jemal were prosecuted even though they had escaped the country and were absent at their trials.

The Turkish war crimes trials of 1919 documented "the massacre and destruction of the Armenians." The defense attempted to show that the Armenian minority was disloyal and a threat to Turkey during the war. The prosecution, however, showed that most Armenians remained loyal to Turkey and did not threaten its war effort. The prosecution also presented evidence that the executions, deportations, and massacres had been part of a premeditated "centrally directed plan" to get rid of the Christian Armenians in Turkey once and for all.

The Turkish war crimes courts found the defendants guilty of planning and carrying out the destruction of the Armenian people, a crime against humanity that would later be called "genocide." Talaat, Enver, and Jemal were sentenced to death while lesser officials received prison terms.

World War I ended the Ottoman Empire. Mustafa Kemal Ataturk, a war hero, formed a Turkish republic in 1923. He ordered the release of all those held for war crimes. Armenians seeking vengeance later assassinated Talaat and Jemal who were living in exile in Europe.

A crowd swarmed around two Armenians executed in a public square in Constantinople (now Istanbul, Turkey), c. 1915. (© Armenian National Institute (www.armenian-genocide.org), photo by Armin T. Wegner, courtesy of Sybil Stevens)

The peace treaty between Turkey and the victors of World War I called for the creation of an independent Armenian republic formed out of Turkish territory. U.S. President Woodrow Wilson pushed this idea and even asked Congress to authorize an American trusteeship to oversee the newborn nation, but this never happened. The short-lived Armenian Republic collapsed when Ataturk attacked it and confiscated "abandoned properties" that had been owned by the Armenians before the deportations.

In 1923, the final peace agreements that formally ended World War I abandoned any support for an independent Armenia. The agreements also ignored the right of Armenian survivors to return to their homes in Turkey and be compensated for the loss of their property. The Soviet Union carved out a small area for its Armenian citizens.

The "Forgotten Genocide"

According to a report of the United Nations Commission on Human Rights in 1985, at least 1 million Armenians died in the harsh deportation during World War I. About half of the pre-war Armenian population of Turkey had been destroyed. Many of the Armenians who survived managed to escape to Russia and other countries before the executions and deportations began.

Today, relatively few Armenians live in Turkey. About 3.3 million populate the nearby country of Armenia, a

small Christian nation that was once part of the Soviet Union. Another 2–3 million Armenians are scattered around the world.

Since World War I, Turkey has officially denied that any premeditated genocide ever took place. Turkey argues that the relocation of Armenians took place for their own protection. According to this view, those Armenians who died were caught up in the chaos of war like everybody else at that time. Recently, the acting consul general for Turkey in Los Angeles, Ozgur Kivanc Altan, stated:

> What we are saying is, yes, a terrible tragedy took place and, yes, many Armenians lost their lives terribly. But also in that war, more than 2.5 million Turks and Muslims lost their lives.

The Armenian Genocide faded from memory after World War I. Then, the horror of more than 6 million Jews and others who were murdered during the Nazi Holocaust of World War II further pushed the destruction of the Armenians into obscurity.

The recent mass killings of peoples in places like Cambodia, Bosnia, and Rwanda have revived interest in the "forgotten genocide" of the Armenians. Tragically, the first genocide of the 20th century provided a blueprint for the extermination of entire religious, ethnic, and other groups in our own time.

For Discussion and Writing

1. Why did the Armenian Genocide occur?
2. What actions do you think the nations of the world could have taken after World War I to achieve justice for the victims of the Armenian Genocide?
3. How would you answer the claim of the Turkish government today that Turkey had no intention in 1915 to destroy the Christian Armenian minority?

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A C T I V I T Y

What Is Genocide?

In 1948, following the Nazi Holocaust of World War II and more than 30 years after the Armenian Genocide of World War I, the United Nations adopted the "Convention on the Prevention and Punishment of the Crime of Genocide." This document makes it a crime under international law for government leaders, public officials, or private individuals to commit *any* of the following acts "with the intent to destroy, in whole or part, a national, ethnical, racial, or religious group":

(a) Killing members of the group;

(b) Causing serious bodily or mental harm to members of the group;

(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

(d) Forcibly transferring children of the group to another group.

1. Form the class into small study groups. Each group should use the article to investigate whether the treatment of the Armenians in Turkey during World War I fits the definition and acts of genocide included in the UN Genocide Convention.
2. The study groups should then share their conclusions and evidence.
3. In an extended research activity, divide students into eight study groups. Each group will investigate and report what evidence exists for genocide in one of the following cases:

   Ukraine (1932–33)
   Nazi Holocaust (1933–45)
   Indonesia (1965–66)
   East Timor (1975)
   Cambodia (1975–79)
   Bosnia (1992–95)
   Rwanda (1994)
   Burma (1996–present)

The Bush Doctrine

In 2002, President George W. Bush announced a new American strategy to confront dangerous regimes and expand democracy in the world.

Following World War II, the United States helped set up international institutions to provide for world security and stability. The United Nations, the World Bank, and International Monetary Fund were started. The United States formed alliances—the most important one was the North Atlantic Treaty Organization (NATO)—to stop communism. It gave Europe billions of dollars in aid to rebuild. It developed a new policy to check the spread of communism by the Russians and others. The chief author of this policy, diplomat George F. Kennan, called for "firm and vigilant containment of Russian expansive tendencies." The policy was announced by President Harry S. Truman in 1947. It became known as the Truman Doctrine.

Truman's policy of containment came under attack by John Foster Dulles, who became President Dwight D. Eisenhower's secretary of state. In the 1952 campaign, Dulles called for "rollback" and "liberation" of the Soviet empire instead of containment. Once in power, however, the Eisenhower administration and all subsequent administrations during the Cold War followed the policy of containment. This policy relied on deterrence to prevent a Soviet attack. The Soviet government was told that an attack on any NATO member state was an attack on all the member states. The United States and NATO would have responded to an attack with massive retaliation. This threat deterred the Soviet Union from attacking. And the Soviet threat of massive retaliation deterred the United States from intervening in the Soviet bloc.

CURRENT ISSUES

The Cold War ended with the break-up of the Soviet Union in 1991. During the 1990s, the rapid spread of democracy and capitalism in the world seemed to herald a new era of peace and stability. The United States emerged as the most powerful nation in the world. Its economy is far stronger than any other country's. It spends far more on its military than any other nation in the world. The attacks on September 11, 2001, however, proved that even powerful nations like the United States were vulnerable to terrorist acts.

On September 12, 2002, President George W. Bush addressed the United Nations. He called for the United Nations to hold Iraq to account for violating U.N. Security Council resolutions. A few days later, the president issued his National Security Strategy, known as the Bush Doctrine. (White House Photo)

After the September 11 attacks, President George W. Bush brought forward a new American security strategy to prevent terrorists and dangerous regimes from developing, acquiring, or using weapons of mass destruction. The new strategy, called the Bush Doctrine, also pushed for the expansion of democracy in Middle East Muslim countries and elsewhere in the world.

Background of the Bush Doctrine

Near the end of the Cold War, Iraq (led by dictator Saddam Hussein) invaded its oil-rich, neighbor Kuwait. The U.N. Security Council authorized the use of force against Iraq unless it withdrew its forces from Kuwait by January 15, 1991. The United States organized a coalition made up of its NATO allies and other nations including several Arab countries. On January 16, the coalition, led mainly by American troops, started pushing Iraq out of Kuwait. When the Gulf War ended, President George H. W. Bush (the father of the current president) decided to contain Iraq's potential military threat. He did this by stationing American military forces in neighboring countries. The U.N. Security Council issued resolutions calling for Iraq to disarm by ridding itself of weapons of mass destruction, and it sent weapons inspectors into Iraq.

In 1992, Department of Defense officials Paul Wolfowitz and Lewis Libby wrote a proposal for a new American military and political strategy. They concluded that containment and deterrence had become obsolete with the end of the Cold War. They also argued for three revolutionary ideas:

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- The United States must remain the world's only superpower, unchallenged by any other nation.
- The United States may need to use pre-emptive force (attack an enemy first) in self- defense.
- The United States will, if necessary, act unilaterally (alone) to confront and eliminate threats to American security.

This proposal sparked great controversy. President Bush ordered his secretary of defense, Dick Cheney, to revise the strategy and remove the points about pre-emptive and unilateral action. When Bill Clinton became president in 1993, he continued the policy of containment and deterrence.

In 1998, Iraq expelled U.N. weapons inspectors. Around this same time, a group of national defense critics began to publicly argue for the forced removal of Saddam Hussein because of his potential use of weapons of mass destruction. Called "neo-conservatives" by the press, the group included Libby, Cheney, Wolfowitz, Donald Rumsfeld, and other members of the former Reagan and Bush administrations.

When George W. Bush became president in 2001, he appointed Rumsfeld secretary of defense and Wolfowitz as one of his deputy defense secretaries. Vice President Dick Cheney appointed Libby his chief of staff. Rumsfeld, Wolfowitz, Libby, and Cheney formed the core of neo-conservative influence on national security matters within the Bush administration.

The neo-conservatives wanted to revive the strategy proposed by Wolfowitz and Libby in 1992. They also pushed for the United States to confront hostile regimes and "militant Islam." In addition, they called for the United States to expand democracy and capitalism throughout the world.

Following the devastating terrorist attacks in 2001, Wolfowitz and the other neo-conservatives pressed for an immediate attack on Iraq. Secretary of State Colin Powell, however, persuaded President Bush to first attack the Al Qaeda terrorists and the Taliban regime harboring them in Afghanistan.

In his January 2002 State of the Union Address, President Bush identified Iraq, Iran, and North Korea as an "axis of evil." "The United States of America will not permit," Bush said, "the world's most dangerous regimes to threaten us with the world's most destructive weapons."

On September 12, 2002, after a sharp debate within the Bush administration over what to do about Iraq, the president addressed the United Nations. He warned that disarming Iraq of its weapons of mass destruction (banned by the U.N. after the 1991 Gulf War) "will be enforced" by the U.N. or, if necessary, by the United States acting unilaterally in self-defense.

In early November 2002, the United Nations adopted a U.S.-sponsored resolution. It stated that Iraq was in "material breach" of previous U.N. resolutions and called for Iraq to immediately disarm and fully cooperate with weapons inspectors or "face serious consequences." Iraq agreed to comply, and inspectors returned. In their time in Iraq, the inspectors issued three reports, saying that they had not found weapons of mass destruction, but also saying that Iraq needed to be more cooperative. Citing Iraqi lack of cooperation as a material breach of the U.N. resolution, the United States pressed for a new resolution to use force against Iraq. When it saw that the Security Council was not going to approve the new resolution, it withdrew it. The United States decided to act with a "coalition of the willing" (a group of allies) to remove Iraqi weapons of mass destruction. The coalition included Great Britain and 29 other nations. It did not include any Arab states or some NATO members, including Canada, France, Germany, Belgium, and Norway. On March 20, 2003, the coalition forces, consisting mainly of U.S. and British troops, invaded Iraq. The war lasted several weeks and toppled the Iraqi government of Saddam Hussein.

The National Security Strategy

President Bush's actions in Iraq seemingly were based on a new defense strategy document titled "The National Security Strategy of the United States of America." The administration released this document to the public in September 2002. Reflecting the long-held views of Wolfowitz, Libby, and other neo-conservative thinkers, the new strategy became known as the "Bush Doctrine." Three of the main points are:

1. Pre-emption. The Bush Doctrine downgrades containment and deterrence in favor of pre-emption. This is the idea that in a world of terrorist organizations, dangerous regimes, and weapons of mass destruction, the United States may need to attack first. "We cannot let our enemies strike first," the National Security Strategy document warns.

(Continued on next page)

According to the Bush Doctrine, rogue states threaten American security today. These nations are hostile to the United States and are developing chemical, biological, and nuclear weapons of mass destruction. The new security strategy calls for the United States to stop rogue states before they are able to threaten or use these weapons against us.

The National Security Strategy notes that international law allows nations to take pre-emptive action against a nation that presents an imminent threat. It also states that the United States has long followed this policy. Critics agree, but say that the Bush administration is pursuing a policy of *preventive* war, not *pre-emptive* war. A pre-emptive war is one against an enemy preparing to strike right away. A preventive war is one against an enemy that will pose a danger in the future. The distinction is important, say the critics, because *preventive* war is illegal under international law. Historian Arthur Schlesinger Jr. states: "Dec. 7, 1941, on which day the Japanese launched a preventive strike against the U.S. Navy, has gone down in history as a date that will live in infamy. During the Cold War, advocates of preventive war were dismissed as a crowd of loonies. . . . Robert Kennedy called the notion of a preventive attack on the Cuban missile bases 'Pearl Harbor in reverse,' and added, 'For 175 years we have not been that kind of country.'"

In addition, say critics, American preventive wars may encourage other nations to justify attacks on their enemies. There are many potential conflicts in the world, some even with the danger of nuclear war—the Mideast, India-Pakistan, and North Korea-South Korea. One nation, seeing another as a threat, may decide to wage a preventive war. Since we employ pre-emption, critics argue that other nations could invoke the same principle and American diplomats could do little to argue against the action.

Anticipating the critics, the National Security Strategy recognizes that pre-emptive action in the past required "the existence of an imminent threat—most often a visible mobilization of armies, navies, and air forces preparing to attack." It says, however, that terrorists and rogue states will not use conventional armies and navies, but rather terrorism and possibly "weapons of mass destruction—weapons that can be easily concealed, delivered covertly, and used without warning." It argues, therefore, that "the concept of imminent threat" must be adapted "to the capabilities and objectives of today's adversaries." It further states that other nations should not "use pre-emption as a pretext for aggression." It stresses that the "reasons for our actions will be clear, the force measured, and the cause just."

2. Act Alone, If Necessary. The Bush Doctrine identifies methods to achieve its aims such as establishing new military bases in the world, developing defense technology, and expanding intelligence gathering. Diplomacy also has a role to play, especially in the "battle for the future of the Muslim world."

The Bush Doctrine favors the United States acting in cooperation with allies and international institutions like the U.N. to deal with threats to world peace. But the security strategy states that the United States "will not hesitate to act alone, if necessary."

Critics argue that the Bush administration reflexively resorts to unilateralism, acting alone in the world. They cite the administration's withdrawal from three international treaties in its first year in office: the Anti-Ballistic Missile Treaty, the Kyoto Protocol on climate change, and the treaty setting up the International Criminal Court. Writing in the *World Policy Journal*, political science professor David C. Hendrickson states: "Even when the administration makes an approach to international institutions, as it did in its September 2002 demands on the U.N. Security Council [over Iraq], it does so with the explicit reservation that it intends to pursue in any event its chosen course, thus impugning the authority of the council even in the appeal to it." By going it alone in the world, critics say that American power loses its legitimacy and America is perceived as a bully.

Supporters of the Bush doctrine respond that the administration believes deeply in multilateral action whenever possible. They note that many people oppose the treaties that the administration withdrew from. The ABM Treaty, they argue, was outmoded. They believe that the International Criminal Court was harmful to the interests of the United States, and the Kyoto Protocol was purely symbolic. As President Bush states in his introduction to the National Security Strategy: "In all cases, international obligations are to be taken seriously. They are not to be undertaken symbolically to rally support for an ideal without furthering its attainment." As for Iraq, they point out that this was not a unilateral action: The coalition of the willing had many member nations.

3. Extend Freedom. The third major element of the Bush Doctrine is for the United States to "extend the benefits of freedom across the globe" in order to build "a balance of power that favors freedom." The security strategy states that the United States should do this by championing "nonnegotiable demands of human dignity." These include such things as the rule of law, freedom of worship, and respect for women. In addition, the strategy calls for the United States to promote world economic growth through capitalist free markets and free trade.

This is the most idealistic part of the National Security Strategy. It is opposed by critics who consider the policy unrealistic. They point out that it took democracy centuries to take root in Western societies. Societies such as Iraq, which have no democratic tradition, cannot be expected to form democratic institutions quickly. They think the costs of nation building will prove staggering. Other critics think it's wrong for us to impose our way of life, especially our capitalistic system, on other people.

Implications of the Bush Doctrine

With the victory in Iraq, reporters asked whether the United States would next pursue military action against Syria, Iran, and North Korea. The Bush administration quickly denied it had any such intentions. South Korea's president called for the United States to exempt North Korea from its policy of pre-emption, because a war with North Korea would likely result in the destruction of Seoul, the capital of South Korea. The administration refused this request, saying it would leave "all options open." But it stressed that it hoped a diplomatic solution could be reached with North Korea, which is building nuclear weapons.

For Discussion and Writing

1. How does the Bush Doctrine differ from the containment policy of the Cold War?
2. The National Security Strategy states that "deterrence based only upon the threat of retaliation is less likely to work against leaders of rogue states . . . ." Do you agree? Explain.
3. What do you think President Bush should do if Iran and North Korea proceed with developing nuclear weapons? Why?
4. Do you think that the Bush Doctrine will help or hinder the United States in its war on terrorism? Explain.

For Further Reading

The White House. "The National Security Strategy of the United States of America." September 2002 <http://www.whitehouse.gov/nsc/nss.html>.

Hendrickson, David C., "Toward Universal Empire: The Dangerous Quest for Absolute Security," *World Policy Journal*, Volume XIX, No 3, Fall 2002, <http://worldpolicy.org/journal/articles/wpj02-3/hendrickson.html>.

"The War Behind Closed Doors," PBS Frontline. <http://www.pbs.org/wgbh/pages/frontline/shows/iraq/>

Zakaria, Fareed. "The Arrogant Empire." *Newsweek*. 24 March 2003. <http://www.msnbc.com/news/885222.asp>

See Constitutional Rights Foundation's War in Iraq: Web Links: Bush Doctrine <http://www.crf-usa.org/Iraqwar_html/iraqwar_links.html#bush>

A C T I V I T Y

Should the Bush Doctrine be a part of U.S. foreign policy?

The class will research the article and other sources in order to debate this question.

1. Form debating groups of three. The first debater will argue the pro position. The second debater will argue the con position. The third member of each group will act as a debate judge.
2. Every member of the class should research the issue. A good place to get information is Constitutional Rights Foundation's web site: http://www.crf-usa.org. Click on "War in Iraq," scroll down to "Web Links," and click on "Bush Doctrine." Advocates should find information to develop their arguments and judges should find information to ask questions about.
3. In each of the groups, the debaters will present their arguments in turn. The debate judge will listen to the arguments, take notes, and ask questions. Then, the debaters will have a chance to challenge each other.
4. After the debating groups have finished, the judges will assemble in a discussion group with the other students observing. The judges will then discuss and argue their own views on the debate question. To conclude, the judges may want to take a vote on the question.

CONSTITUTIONAL RIGHTS FOUNDATION

PostScript

RESOURCES AND MATERIALS FOR CIVIC EDUCATION

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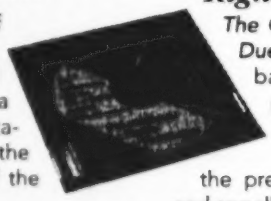

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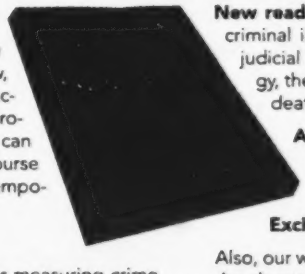

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